

C-O-N-F-I-D-E-N-T-I-A-L

17 November 1961

TO : **OGC Has Reviewed**

From : Records Administration Officer, DDC

Subject: Office of Record

1. At one of our recent meetings there was a significant interest in the role of the "office of record" in records administration. The following remarks are submitted for your guidance in using this concept.
2. Any organizational element that creates or receives records in the process of carrying out its assigned functions and responsibilities normally becomes the office of record for documenting such activities. Offices of record in CIA range from the immediate offices of the Director and his Deputies down through those of heads of Offices and Chiefs of Staffs, Divisions and Branches.
3. The functions and responsibilities of organizational elements are defined in general terms by Agency regulations and more specifically by internal issuances. Records Control Schedules prepared for these organizational elements describe certain files that document the substantive functions assigned by these issuances. These files can be of temporary or permanent value depending on their current and future usefulness.
4. Properly designated offices of record offer the following advantages in records administration.
 - a. The records are in the custody of the organizational element that has a primary interest in the subject matter or function documented by the records and the primary need to use the files.
 - b. Properly organized offices of record can furnish reference services to other organizational elements and thus curb the maintenance of duplicate files.
 - c. Records disposition is improved since permanent and temporary files can be more readily identified throughout the Agency.
 - d. Overall administration of assigned functions can be improved by a properly established and organized office of record.

5. Maintaining effective records disposition schedules is a continuing job for Records Officers. It involves reviewing and auditing the program and revising schedules when appropriate. In this work it is important to bear in mind the office of record concept in order to establish realistic retention periods, and to detect files that need not be maintained.

6. Attached is a partial list of Agency offices of record showing some of the material they maintain in carrying out their assigned functions.



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Attachment

C-O-N-F-I-D-E-N-T-I-A-L

C-O-N-F-I-D-E-N-T-I-A-L

OFFICES OF RECORD

DDI Area

<u>Office</u>	<u>Records</u>
OSI	National Intelligence Survey
OCR	[REDACTED] Master Photograph File [REDACTED] Master Negative File (Ground and spot photos) Motion Picture Film
ONE	National Intelligence Estimate Special Intelligence Estimate
OSI	Finished Scientific Intelligence Publications
ORR	Finished Geographic and Economic Intelligence Publications CIA Maps
OCI	Current Intelligence Bulletin Current Intelligence Digest Current Intelligence Weekly Review Calendar of Events
OO	[REDACTED] Information Reports IDG Translations [REDACTED]

25X1A

IDS Area

DD/S	Regulations
CC	CIA Cables
AS	Audit Reports
OL	Contracts [REDACTED]
COMPTROLLER	Pay Rolls CIA Budget Contract Payments [REDACTED]

C-O-N-F-I-D-E-N-T-I-A-L

~~C-O-N-F-I-D-E-N-T-I-A-L~~

ME Employees Medical Chart Files

OF Official Personnel Folders
Strength Reports
Position Control Register
Table of Organization Files

OS Security Case Files
Badge Index

K1A

OFR OFR Manuals
Lesson Plan Files
OFR Films

OOC Legal Opinions

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DOCUMENTS

ferences. See section 686 of sentence of the section should to read, "After March 4, 1900, shall not be published in

s, notices, and proposals contracts, and all forms of departments of the Govern- ment the commercial rates discounts. But the heads terms at special rates when- ded Sept. 23, 1950, c. 1010,

ferences
pers 5(2).
Newspapers § 20.

struction held applicable only to ental advertising and not to ad- expenses payable out of funds ar equity receiverships. Thorn- fault, D.C.Ky.1937, 18 F.Supp.

17(a), 60 Stat. 811.

tion to subordinate officials of to publish advertisements, see 22a of Title 5, Executive De- and Government Officers and

quired by law, or the lawful or other person, in any news- cents per folio for the first in subsequent insertion. The de the furnishing of lawful e made and fur ed by the . R.S. § 853.

in behalf of govern but to all s published on or court. The Coast. D.C.Cal. Supp. 727. provision relative for pub- any statute, order re- by law or by the al order of court, department, an, or other in any newspa applies only to publication case of judi- proceedings, and the publica- laws and tre by the Secre- of State. 1854, 6 Gen. 502.

Advertisements as section require duly fees and strictly charged as between par- and does not de court of eq- and discretion to pay out of fund custody in receivership suit such as for advertise as justice, and ay may require enton v. Gault, Ky.1937, 18 F.Supp. 727. to advertisement by law include all the departments. tions that e officers, un- shals, who are e to the gen- the charge of an- department of supervision of Gen. 150. see 1888, 10 C

§ 326. Meaning of folio

The term folio shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio; but a less number than fifty words shall not be counted, except when the whole statute, notice, or order contains less than fifty words. R.S. § 854.

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Computation 1
Separate papers 2
Undue prolixity 3

Library references
Newspapers 5(2).
C.J.S. Newspapers § 20.

1. Computation

When the number of words is less than a hundred they are counted a folio, and such entry being in fact a record, the clerk is entitled to ten cents for filing and fifteen cents for the record entry in the calendar. Amy v Shelby County, C. Tenn.1872, 1 Flipp. 104, 1 Fed.Css.No. 345.

2. Separate papers

In making up a record, a clerk must count the folios of the record as though of one instrument continuously from be- ginning to end, and not treat each docu- ment, judgment, order, and direction of the court as a separate instrument and he is entitled to charge fifteen cents per folio for the record made up in this man- ner only. U. S. v. Kurtz, Ct.Cl.1896, 17 S.Ct. 15, 164 U.S. 40, 41 L.Ed. 340, over- ruling Erwin v. U. S., 1889, 37 F. 470, 2 L.R.A. 220.

In determining the number of folios in a final record each separate and distinct order, notice, or other paper is to be counted separately, according to the rule prescribed in this section, and the ag- gregate of the folios so found is the number of folios in the record. Erwin v. U. S., D.C.Ga.1889, 37 F. 470, 492, 2 L.R. A. 220.

Where the journal entries in criminal cases are made up in pursuance of an order of court requiring the proceedings to be entered, not in the form of a mere

rectal, but each order, motion, and pro- ceeding in a paragraph separate from others under the same caption, the clerk is entitled to charge 15 cents for each of said separate orders, motions, etc., al- though they may relate to the same case, and be entered under the same caption. Marsh v. U. S., D.C.Fla.1898, 88 F. 879, reversed on other grounds, C.C.A.1899, 92 F. 689, and C.C.A.1901, 106 F. 474.

In an action by the clerk against the United States to recover fees charged for record entries made in criminal cases, which have been disallowed by the treas- ury department, the clerk's accounts, which were presented to and approved by the court, are prima facie evidence of the correctness of the items therein con- tained, and the plaintiff is not required to prove that each separate entry for which a charge is made therein, which purports to relate to a separate and dis- tinct transaction, does in fact relate to such a transaction, so as to entitle him to charge for the same as a folio, under this section, and especially where the statements of disallowances by the aud- itor do not disclose what particular items are objected to, nor any principle upon which the disallowances were made. Marsh v. U. S., D.C.Fla.1901, 109 F. 236.

When an original entry of an order is made though less than a folio, it is chargeable as a folio, each entry of a kind standing by itself, distinct from all others. Cavender v. Cavender, C.C.Mo. 1882, 10 F. 828.

3. Undue prolixity

A commissioner is entitled to fees by the folio for drawing orders, to the full number of folios employed. In the ab- sence of proof that these papers were unnecessarily prolix. Hirschbeck v. U. S., D.C.N.Y.1894, 63 F. 940.

44 U.S.C.A. § 366

CHAPTER 10.—DISPOSITION OF RECORDS [NEW]

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| <p>Sec.
351-365. Repealed.
366. Definition of records.
367. Regulations by National Archives Council covering lists of records for disposal, procedure for dis- posal, and standards for repro- duction; approval by President.
368. Lists and schedules of records to be submitted to Administrator of General Services by head of each Government agency.
369. Lists and schedules of records lack- ing preservation value; submis- sion to Congress by Administra- tor of General Services.
370. Same; examination by joint con- gressional committee and report to Congress.
371. Same; disposal of records by head of Government agency upon noti- fication by Administrator of Gen- eral Services of action by joint congressional committee.
372. Same; disposal of records upon failure of joint congressional com- mittee to act.</p> | <p>Sec.
373. Same; disposal of similar records where prior disposal was author- ized.
374. Preservation of claims of Govern- ment until settled in General Ac- counting Office; disposal author- ized upon written approval of Comptroller General.
375. Disposal of records constituting menace to health, life, or prop- erty; report of action by Admin- istrator of General Services to agency.
376. Destruction of records outside con- tinental United States in time of war or when hostile action seems imminent; written report to Ad- ministrator of General Services.
377. [New; Repealed].
378. Photographs or microphotographs of records considered as orig- inals; certified reproductions ad- missible as evidence.
379. Moneys from sale of records as payable into the Treasury.
380. Procedures for disposal of records as exclusive.</p> |
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§§ 351-356. Repealed July 7, 1943, c. 192, § 16, 57 Stat. 383.

Sections were from Act Aug. 5, 1939, amended by Act Mar. 13, 1942, c. 179, 56 Stat. 481, §§ 1-6, 53 Stat. 1219, 1220, as amended by Act Mar. 13, 1942, c. 179, 56 Stat. 170.

§ 357. Repealed. Mar. 13, 1942, c. 179, 56 Stat. 171.

Section was from Act Aug. 5, 1939, c. 481, § 7, 53 Stat. 1220. Section 8 of that Act was renumbered 7 thereof by the repealing Act of Mar. 13, 1942, and constitutes section 358 of this title.

§§ 358-363. Repealed. July 7, 1943, c. 192, § 16, 57 Stat. 383.

Sections 358-361 were from Act Aug. 5, 1939, c. 481, §§ 7-10, 53 Stat. 1220, 1221, said sections 7-10 as so renumbered by Act Mar. 13, 1942, c. 179, 56 Stat. 171. Sections 362, 363, were from Act Sept. 24, 1940, c. 727, §§ 1, 2, 54 Stat. 958, 959.

§ 364. Repealed. Oct. 25, 1951, c. 562, § 1 (27), 65 Stat. 639

Section, Act June 27, 1942, c. 450, § 1, 56 Stat. 411, which related to disposal of redeemed food stamps issued by Surplus Marketing Administration, is now covered by sections 366-380 of this title. Similar provisions were contained in Act Apr. 5, 1941, c. 40, § 1, 55 Stat. 112, which was repealed by section 1(26) of Act Oct. 25, 1951, c. 562, § 1(26), 65 Stat. 639.

§ 365. Repealed. Oct. 25, 1951, c. 562, § 1 (28), 65 Stat. 639

Section, Act Oct. 26, 1942, c. 629, Title II, 56 Stat. 1000, which related to disposition of redeemed, canceled, or spoiled Defense or War Savings stamps, is now covered by sections 366-380 of this title.

§ 366. Definition of records

When used in sections 366-376 and 378-380 of this title, the word "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in sections 366-376 and 378-380 of this title. July 7, 1943, c. 192, § 1, 57 Stat. 380.

Library references: Records 13; C.J.S. Records §§ 34, 40.

Repeal of laws inconsistent with sections 366-380. In addition to repealing former sections 351-356, 358-363 of this title, section 10 of Act July 7, 1943, cited to text, provided: "All other Acts or parts of Acts inconsistent with the provisions of this Act [sections 366-376 and 378-380 of this title] are hereby repealed."

§ 367. Regulations by National Archives Council covering lists of records for disposal, procedure for disposal, and standards for reproduction; approval by President

The National Archives Council shall promulgate regulations, not inconsistent with sections 366-376 and 378-380 of this title, establishing (1) procedures for the compiling and submitting to the Administrator of General Services of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government. July 7, 1943, c. 192, § 2, 57 Stat. 381, amended June 30, 1949, c. 288, Title I, § 104, 63 Stat. 381.

Library references: Records 13; C.J.S. Records §§ 34, 40.

Transfer of Functions. The National Archives Council was transferred to the General Services Administration by section 104(b) of Act June 30, 1949, cited to text.

The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104 is set out as section 391 of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 201 of Title 41, Public Contracts.

Repeals. Section repealed by Act June 30, 1949, c. 288, Title VI, § 602(b) (2) as

renumbered and added by Act 1950, c. 849, § 7(c), 64 Stat. 500, so that the provisions of this title are inconsistent with chapter 1 title.

§ 368. Lists and schedules of General Services by Administrator

The head of each agency to the Administrator of General Services as provided in the custody of the records photographed in accordance with the sequence thereof, do not require further preservation by the agency in the custody of the agency of its current business and administrative, legal, research, or other functions by the Government; and the lapse of specified period of time character that either have that may accumulate there schedules and that apparently have sufficient administrative warrant their further preservation, § 3, 57 Stat. 381, amended June 30, 1949, c. 288, Title I, § 104, 63 Stat. 381.

Library references: Records 13; C.J.S. Records §§ 34, 40. Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(b) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 369. Lists and schedules of records for disposal by Administrator

The Administrator of General Services shall, from time to time as he shall deem expedient, in accordance with the provisions of this title, prepare such lists or schedules, and maintain them in his custody, insofar as it shall be necessary, and such lists or schedules do not, or shall not, have sufficient administrative warrant their continued preservation. Provided, That the Administrator of General Services shall submit such lists or schedules to the President for his approval in his legal custody and consent of the head of such agency.

The Administrator of General Services shall, together with recommendations thereon, respect thereto, and at such time as he shall deem expedient, proposing the disposal, after the records of a specified form or character that either have accumulated and that apparently will not, after the lapse of specified period of time, require further preservation by the agency, submit such lists or schedules to the President for his approval. July 7, 1943, c. 192, § 4, 57 Stat. 381, amended June 30, 1949, c. 288, Title I, § 104, 63 Stat. 381.

Library references: Records 13; C.J.S. Records §§ 34, 40. 1915 Amendment. Act July 1, 1915, amended section by adding the paragraph.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(b) of Act June 30, 1949, cited to text.

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renumbered and added by Act Sept. 5, 1950, c. 849, § 7(e), 64 Stat. 590, to the extent that the provisions of this section are inconsistent with chapter 11 of this title.

Legislative History: For legislative history and purpose of Act June 30, 1949, cited to text, see 1949 U.S. Code Cong. Service, p. 1475.

§ 368. Lists and schedules of records to be submitted to Administrator of General Services by head of each Government agency

The head of each agency of the United States Government shall submit to the Administrator of General Services, in accordance with regulations promulgated as provided in section 367 of this title (1) lists of any records in the custody of the agency that have been photographed or microphotographed in accordance with the said regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government. July 7, 1943, c. 192, § 3, 57 Stat. 381, amended June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 13; C.J.S. Records §§ 34, 40.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 369. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services

The Administrator of General Services shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him, in accordance with the provisions of section 368 of this title, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Administrator of General Services shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The Administrator of General Services may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. July 7, 1943, c. 192, § 4, 57 Stat. 381, amended July 6, 1945, c. 273, § 1(a), 59 Stat. 434; June 30, 1949, c. 288, Title I, § 104, 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

1945 Amendment. Act July 6, 1945, amended section by adding the second par.

Transfer of Functions. The National Archives Council was transferred to the

General Services Administration by section 104(b) of Act June 30, 1949, cited to text.

The functions of the Archivist were transferred to the Administrator of Gen

era. Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104 is set out as section 391 of this title. Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Repeals. Section repealed by Act June 30, 1949, c. 288, Title VI, § 602(b) (2) as

renumbered and added by Act Sept. 5, 1950, c. 849, § 7(e), 64 Stat. 590, to the extent that the provisions of this section are inconsistent with chapter 11 of this title.

Legislative History: For legislative history and purpose of Act June 30, 1949, cited to text, see 1949 U.S. Code Cong. Service, p. 1475.

§ 370. Same; examination by joint congressional committee and report to Congress

Whenever the Administrator of General Services shall submit lists or schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on House Administration of the House of Representatives, shall constitute a joint committee to which all such lists or schedules shall be referred, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations: July 7, 1943, c. 192, § 5, 57 Stat. 381, amended Aug. 2, 1946, c. 753, Title I, § 121, 60 Stat. 822; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

1946 Amendment. Act Aug. 2, 1946, cited to text, merged the Committee on the Distribution of Executive Papers of the House of Representatives into the Committee on House Administration of the House of Representatives.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 371. Same; disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Administrator of General Services shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 369 of this title shall be permissive and not mandatory. July 7, 1943, c. 192, § 6, 57 Stat. 381, amended July 6, 1945, c. 273, § 1(b), 59 Stat. 434; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

1945 Amendment. Act July 6, 1945, amended section by omitting "the head of" following "shall notify" wherever appearing, inserting "or agencies" following "the agency" wherever appearing, omitting "by which the list or schedule was submitted" and inserting in lieu thereof "having such records in their custody", and by adding proviso.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 372. Same; disposal of records upon failure of joint congressional committee to act

If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Administrator of General Services not less than ten days prior to the

adjournment of such session, the Administrator shall cause to be disposed of such records as may be so empowered the agency or agencies having such records in accordance with regulations promulgated by the Administrator of General Services: July 7, 1943, c. 273, § 1(c), 59 Stat. 434; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

1915 Amendment. Act July 6, 1915, amended section by omitting "the agency who submitted the schedule to cause the records to be disposed of" and inserting in lieu thereof "the agency or agencies having such records in their custody".

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 373. Same; disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

Whenever it shall appear to the Administrator of General Services that any agency has in its custody records of such form or character as may be disposed of by the Administrator of General Services, he shall cause such records to be disposed of in accordance with regulations promulgated by the Administrator of General Services: July 7, 1943, c. 192, § 8, 57 Stat. 381; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 374. Preservation of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

Records pertaining to the United States or against the United States shall be disposed of by the head of the agency or agencies having such records in their custody in accordance with regulations promulgated by the Administrator of General Services: July 7, 1943, c. 192, § 9, 57 Stat. 381; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 375. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

Whenever the Administrator of General Services shall determine that any agency has in its custody records of such form or character as may be disposed of by the Administrator of General Services, he shall cause such records to be disposed of in accordance with regulations promulgated by the Administrator of General Services: July 7, 1943, c. 192, § 10, 57 Stat. 381; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

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referred and added by Act Sept. 5, 1940, § 7(c), 64 Stat. 590, to the extent that the provisions of this section are inconsistent with chapter 11 of this title.

Legislative History: For legislative history and purpose of Act June 30, 1949, see text, see 1949 U.S. Code Cong. & Admin. News, p. 1475.

Congressional committee and re-

Services shall submit lists or of the presiding officer of the members of the Committee Representatives, shall constitute lists or schedules shall be re-examine such lists or schedules Representatives, respectively, amendments. July 7, 1943, c. 1946, c. 753, Title I, § 121, 60 Stat. 104(a), 63 Stat. 381.

Records §§ 73, 75, 76.

104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title. **Effective date of transfer of functions.** Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

and of Government agency upon services of action by joint con-

of the records listed in a list not after the lapse of the period of time, research, or other value to the Government, the Administrator of General Services or agencies having such records shall be disposed of in accordance with section 367 of this title: provided that schedules submitted pursuant to schedules submitted of this title shall be permissive. July 7, 1943, c. 1946, c. 753, Title I, § 121, 60 Stat. 104(a), 63 Stat. 381, amended July 7, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Records §§ 73, 75, 76.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Delegation of Authority. General delegation of authority, see note set out under section 630 of Title 5, Executive Departments and Government Officers and Employees.

Executive Order No. 9784. Ex. Ord. No. 9784, Sept. 26, 1946, 11 F.R. 10909, formerly cited as a note under this section, was amended by Ex. Ord. No. 10561, Sept. 14, 1949, 14 F.R. 5563, set out as a note under section 632 of Title 5.

in failure of joint Congressional

report during any regular or special session of Congress by less than ten days prior to the

adjournment of such session, the Administrator of General Services may empower the agency or agencies having in their custody records covered by such lists or schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title. July 7, 1943, c. 192, § 8, 57 Stat. 382, amended July 6, 1945, c. 273, § 1(c), 59 Stat. 434; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records §§ 22; C.J.S. Records §§ 73, 75, 76.

1945 Amendment. Act July 6, 1945, amended section by omitting "the head of the agency who submitted the list or schedule to cause the records listed therein" and inserting in lieu thereof "the agency or * * * cause such records".

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by sec-

tion 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 373. Same; disposal of similar records where prior disposal was authorized

Whenever it shall appear to the Administrator of General Services that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in section 367 of this title and without listing or scheduling them. July 7, 1943, c. 192, § 8, 57 Stat. 382, amended June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records §§ 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 374. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General

Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted pursuant to the provisions of sections 371, 372, and 373 of this title, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States. July 7, 1943, c. 192, § 9, 57 Stat. 382.

Library references: Records §§ 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, c. 288, Title I, 63 Stat. 381. Said section 104(a) is set out as section 391(a) of this title. **Effective date of transfer of functions.** Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Legislative History: For legislative history and purpose of Act June 30, 1949, cited to text, see 1949 U.S. Code Cong. & Admin. News, p. 1475.

§ 375. Disposal of records constituting menace to health, life, or property; report of action by Administrator of General Services to agency

Whenever the Administrator of General Services and the head of the agency that has custody of them shall jointly determine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Administrator of General Services shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Administrator of General Services are disposed of under this

section, the Administrator of General Services shall report the disposal thereof to the agency from which they were transferred. July 7, 1943, c. 192, § 10, 57 Stat. 382, amended June 30, 1949, c. 288, Title I, § 104 (a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 376. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Administrator of General Services

At any time during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided*, That within six months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Administrator of General Services in which he shall describe the character of such records and state when and where the disposal thereof was accomplished. July 7, 1943, c. 192, § 11, 57 Stat. 382, amended June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Continuation of provisions until July 1, 1953. Section 1(a) (3) of Joint Res. July 3, 1952, c. 570, 66 Stat. 331, as amended by Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18 provided that this section should continue in force until six months after the termination of the national emergency proclaimed by the President on Dec. 16, 1950 by 1950 Proc. No. 2914.

§ 377. Repealed. Oct. 31, 1951, c. 654, § 1 (117), 65 Stat. 706

Section, Acts July 7, 1943, c. 192, § 12, 57 Stat. 382; July 6, 1945, c. 273, § 1(d), 59 Stat. 434, which related to reports to Congress, is now covered by section 402 of Title 40, Public Buildings, Property, and Works.

§ 378. Photographs or microphotographs of records considered as originals; certified reproductions admissible as evidence

Photographs or microphotographs of any records made in compliance with regulations promulgated as provided in section 367 of this title shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. July 7, 1943, c. 192, § 13, 57 Stat. 382.

Library references: Records 15; C.J.S. Records §§ 33, 40.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, c. 288.

Title I, 63 Stat. 381. Said is set out as section 391(a) of this title.

Effective date of transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 379. Moneys from

All moneys derived from records authorized for and 378-380 of this title States unless otherwise provided. July 7, 1943, c. 192, § 14.

Library references: Unit

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 380. Procedures

The procedures hereinafter provided for the United States Government in accordance with the provisions of this title. July 7, 1943, c. 192, § 15.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

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shall report the disposal transferred. July 7, 1943, 1949, c. 288, Title I, § 104

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date of transfer of functions. of functions as effective July 1, note set out under section 471 of Title 40, Public Buildings, Property, and Works.

continental United States in imminent; written report to

of war between the United action by a foreign power of the United States Government records in his legal custody but, ship, or other depository (United States (1) the retention interests of the United States for military purposes and administrative, legal, research, or preservation: *Provided*, That such records, the official who written report thereon to the shall describe the character disposal thereof was accomplished, amended June 30, 1949,

§§ 73, 75, 76.

1949, set out as a note preceding 1. of Appendix to Title 50, War National Defense, or such earlier date, as may be provided for progress, but in no case beyond 1953. Section 7 of said Joint Res. 1952, provided that it should be effective June 16, 1952. of prior Acts continuing section. of Joint Res. July 3, 1952, re- Joint Res. Apr. 14, 1952, c. 204, 66 as amended by Joint Res. May c. 339, 66 Stat. 364, Joint Res. 1952, c. 437, 66 Stat. 137; Joint Res. 30, 1952, c. 326, 66 Stat. 296. continued provisions until July 3, 1952 shall take effect as of 1952 by section 7 of said Joint Res. 3, 1952.

§ 1 (117), 65 Stat. 706

is now covered by section 402 of Title 40, Public Buildings, Property, and Works.

of records considered as evidence

records made in compliance in section 367 of this title originals thereof would have purpose of their admissibility reproductions of such photographs. July 7, 1943, c. 192, §

§§ 33, 40.

Administrator of General Services by section 4(a) of Act June 30, 1949, c. 288.

Title I, 63 Stat. 381. Said section 104(a) 1919, see note set out under section 471 is set out as section 391(a) of this title. of Title 40, Public Buildings, Property, and Works.
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§ 370. Moneys from sale of records as payable into the Treasury

All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of sections 366-376, and 378-380 of this title shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency. July 7, 1943, c. 192, § 14, 57 Stat. 383.

Library references: United States 55; C.J.S. United States §§ 71, 73.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, c. 288, Title I, 63 Stat. 381. Said section 104(a) is set out as section 391(a) of this title. Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 380. Procedures for disposal of records as exclusive

The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of sections 366-376 and 378-380 of this title. July 7, 1943, c. 192, § 15, 57 Stat. 383.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, c. 288, Title I, 63 Stat. 381. Said section 104(a) is set out as section 391(a) of this title. Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Library references
Records 22.

C.J.S. Records §§ 73, 75, 76.

1. Prison records

Where prisoner sought to compel Attorney General to deliver up to prisoner certain letters from a young lady and her father contained in his prison file, sections 366-380 of this title providing for procedure relating to disposition, safe-keeping, and destruction of government records were exclusive and precluded relief sought. *Dayton v. McGranery*, 1953, 201 F.2d 711, 92 U.S.App.D.C. 24.

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CHAPTER 11.—FEDERAL RECORD MANAGEMENT [NEW]

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| <p>Sec. 391. Records management.</p> <p>(a) Transfer of National Archives.</p> <p>(b) Transfer of other record bodies.</p> <p>(c) Duties of Administrator.</p> <p>392. Custody and control of property.</p> <p>393. National Historical Publications Commission.</p> <p>(a) Creation; composition; appointment and tenure.</p> <p>(b) Vacancies.</p> <p>(c) Executive director; employment of personnel; compensation; subsistence expenses.</p> <p>(d) Duties; authorization of grants for collection, reproduction and publication of documentary historical source material.</p> <p>(e) Special advisory committees; membership; reimbursement.</p> <p>(f) Authorization of appropriations.</p> <p>(g) Records.</p> <p>(h) Report to Congress.</p> <p>394. Federal Records Council; establishment; duties; composition; chairman.</p> <p>395. Records management by Administrator.</p> <p>(a) Duties generally.</p> <p>(b) Establishment of standards for selective retention of records.</p> | <p>Sec. (c) Personnel inspection and survey of records.</p> <p>(d) Record centers for storage, process, and servicing of records.</p> <p>(e) Regulations.</p> <p>(f) Retention of records.</p> <p>396. Records management by Agency heads.</p> <p>(a) General duties.</p> <p>(b) Establishment of program of management.</p> <p>(c) Storage, processing, and servicing of records.</p> <p>(d) Certifications and determinations on transferred records.</p> <p>(e) Safeguards.</p> <p>(f) Unlawful removal, distribution, etc.</p> <p>(g) Authority of Comptroller General.</p> <p>396a. Final authority of Administrator in matters regarding surveys of records, etc.</p> <p>397. Archival administration.</p> <p>(a) Acceptance of records for historical preservation.</p> <p>(b) Responsibility for custody, use, and withdrawal of records.</p> <p>(c) Preservation, arrangement, duplication, exhibition, etc. of records.</p> <p>(d) Servicing records.</p> <p>(e) Material accepted for deposit.</p> |
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ments facilitating the use of the collections shall have precedence over detailed calendars and textual reproductions. This Commission shall meet at least once a year, and the members shall serve without compensation except repayment of expenses actually incurred in attending meetings of the Commission.

SEC. 6. That there is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody.

SEC. 6a. Whenever any records the use of which is subject to statutory limitations and restrictions are transferred to the custody of the Archivist of the United States, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency having custody of them or to employees of that agency shall thereafter likewise be applicable to the Archivist of the United States and to the employees of the National Archives Establishment respectively.

SEC. 7. The National Archives may also accept, store, and preserve motion-picture films and sound recordings pertaining to and illustrative of historical activities of the United States, and in connection therewith maintain a projecting room for showing such films and reproducing such sound recordings for historical purposes and study.

SEC. 8. That the National Archives shall have an official seal which will be judicially noticed.

The Archivist of the United States may make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and may charge therefor a fee sufficient to cover the cost or expenses thereof. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund created by section 5 of the National Archives Trust Fund Board Act. There shall be no charge for the making or authentication of such copies or reproductions furnished to any department or other agency of the Government for official use. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal

of the National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of the National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.

SEC. 8a. Any official of the United States Government who is authorized to make certifications or determinations on the basis of records in his custody is hereby authorized to make certifications or determinations on the basis of records that have been transferred by him or his predecessors to the custody of the Archivist of the United States.

SEC. 9. That the Archivist shall make to Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the National Archives, the said report including a detailed statement of all accessions and of all receipts and expenditures on account of the said establishment. He shall also transmit to Congress the recommendations of the Commission on National Historical Publications, and, on January 1 of each year, with the approval of the Council, a list or description of the papers, documents, and so forth (among the archives and records of the Government), which appear to have no permanent value or historical interest, and which, with the concurrence of the Government agency concerned, and subject to the approval of Congress, shall be destroyed or otherwise effectively disposed of.

SEC. 10. That there are hereby authorized such appropriations as may be necessary for the maintenance of the National Archives Building and the administration of the collections, the expenses, and work of the Commission on National Historical Publications, the supply of necessary equipment and expenses incidental to the operations aforesaid, including transfer of records to the Archives Building; printing and binding; personal services in the District of Columbia and elsewhere; travel and subsistence and per diem in lieu of subsistence, notwithstanding the provisions of any other Acts; stenographic services by contract or otherwise as may be deemed necessary; purchases and exchange of books and maps; payment in advance when authorized by the Archivist for library memberships in societies whose publications are available to members only or to members at a price lower than to the general public; purchase, exchange, and operation of motor vehicles; and all absolutely necessary contingent expenses, all to be expended under the direction of the Archivist, who shall annually submit to Congress estimates therefor in the manner prescribed by law.

SEC. 11. All Acts or parts of Acts relating to the charge and superintendency, custody, preservation, and disposition of official papers and documents of executive departments and other governmental agencies inconsistent with the provisions of this Act are hereby repealed.

Records Disposal Act, Approved July 7, 1943, as Amended July 6, 1945^a

[57 Stat. 380-383; 59 Stat. 434]

An Act to provide for the disposal of certain records of the United States Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act, the word "records" includes all books, papers, maps, photographs, or other documentary materials,

^a Sections 4, 6, 7, and 12 appear as amended July 6, 1945.

regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business, and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions,

procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in this Act.

SEC. 2. The National Archives Council shall promulgate regulations, not inconsistent with this Act, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government.

SEC. 3. The head of each agency of the United States Government shall submit to the Archivist of the United States, in accordance with regulations promulgated as provided in section 2 of this Act (1) lists of any records in the custody of the agency that have been photographed or microphotographed in accordance with the said regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

SEC. 4. The Archivist shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 3 of this Act, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Archivist shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The Archivist may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant

their further preservation by the United States Government.

SEC. 5. Whenever the Archivist shall submit lists or schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on the Disposition of Executive Papers of the House of Representatives, shall constitute a joint committee to which all such lists or schedules shall be referred, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations.

SEC. 6. If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Archivist shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 2 of this Act: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 4 of this Act shall be permissive and not mandatory.

SEC. 7. If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the agency or agencies having in their custody records covered by such lists or schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in section 2 of this Act.

SEC. 8. Whenever it shall appear to the Archivist that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in section 2 of this Act and without listing or scheduling them.

SEC. 9. Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted pursuant to the provisions of sections 6, 7, and 8 of this Act, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States.

SEC. 10. Whenever the Archivist and the head of the agency that has custody of them shall jointly determine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Archivist are disposed of under this section, the Archivist shall report the disposal thereof to the agency from which they were transferred.

SEC. 11. At any time during the existence of a state of war between the United States and any other nation or when

hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided*, That within six months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Archivist in which he shall describe the character of such records and state when and where the disposal thereof was accomplished.

SEC. 12. The Archivist shall transmit to Congress at the beginning of each regular session reports as to the records authorized for disposal under the provisions of section 7 of this Act and as to the records disposed of under the provisions of sections 10 and 11 of this Act.

SEC. 13. Photographs or microphotographs of any records made in compliance with regulations promulgated as provided in section 2 of this Act shall have the same force

and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

SEC. 14. All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of this Act shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency.

SEC. 15. The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of this Act.

SEC. 16. The Act entitled "An Act to provide for the disposition of certain records of the United States Government", approved August 5, 1939 (53 Stat. 1219), the Act entitled "An Act to provide for the disposition of certain photographed records of the United States Government, and for other purposes", approved September 24, 1940 (54 Stat. 958), and all other Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Resolution Concerning the Transfer of Records to the National Archives, Adopted by the National Archives Council November 9, 1944

Whereas section 3 of the "Act to establish a National Archives of the United States Government and for other purposes" (48 Stat. 1122) provides that "All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and wheresoever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer";

And whereas section 6 of said act creates the National Archives Council and authorizes it to "define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer"; therefore be it

Resolved, That the Archivist of the United States be and he is hereby authorized to requisition for transfer to the National Archives any archives or records in the custody of any agency of the United States Government (legislative, executive, judicial, and other), which fall within any of the following classes, viz:

I. Any archives or records that the head of the agency that has the custody of them may offer for transfer to the National Archives.

II. Any archives or records that have been in existence for more than fifty years unless the head of the agency that has

the custody of them certifies in writing to the Archivist that they must be retained in his custody for use in the conduct of the regular current business of the said agency.

III. Any archives or records of any Federal agency that has gone out of existence unless the head of the agency that has the custody of them certifies in writing to the Archivist that they must be retained in his custody for use in performing transferred functions of the discontinued agency or in liquidating its affairs.

IV. Any other archives or records that the National Archives Council by special resolution may authorize to be transferred to the National Archives.

Resolved further, (1) That when the Archivist shall issue his requisition for any archives or records he shall furnish to a duly authorized representative of the agency that has the custody of them an inventory of the material covered by such requisition; (2) That when, and not until, this inventory shall have been certified to by the signatures of the representatives of said agency and of the Archivist, respectively, and the said archives or records shall have been delivered by the representative of the said agency to the representative of the Archivist either at the depository in which they are stored or at a depository under the control of the Archivist, the said archives or records shall pass into the legal custody of the Archivist of the United States; *Provided*, That records of the Federal Government that are not in the legal custody of any other agency of the Government shall be deemed to be in the legal custody of the Archivist and may be transferred by him to a depository under his control without the formalities of issuing a requisition or delivering an inventory.

Regulations of the National Archives Council, Adopted July 29, 1949

Whereas Sec. 2 of "An Act to provide for the disposal of certain records of the United States Government" approved July 7, 1943, as amended by the Act approved July 6, 1945

(57 Stat. 380-383, 59 Stat. 434; 44 U. S. C. 366-380), requires that the National Archives Council promulgate regulations not inconsistent with the provisions of the said

RECORDS DISPOSITION



**MANAGEMENT STAFF
RECORDS MANAGEMENT DIVISION**

MAY 1955

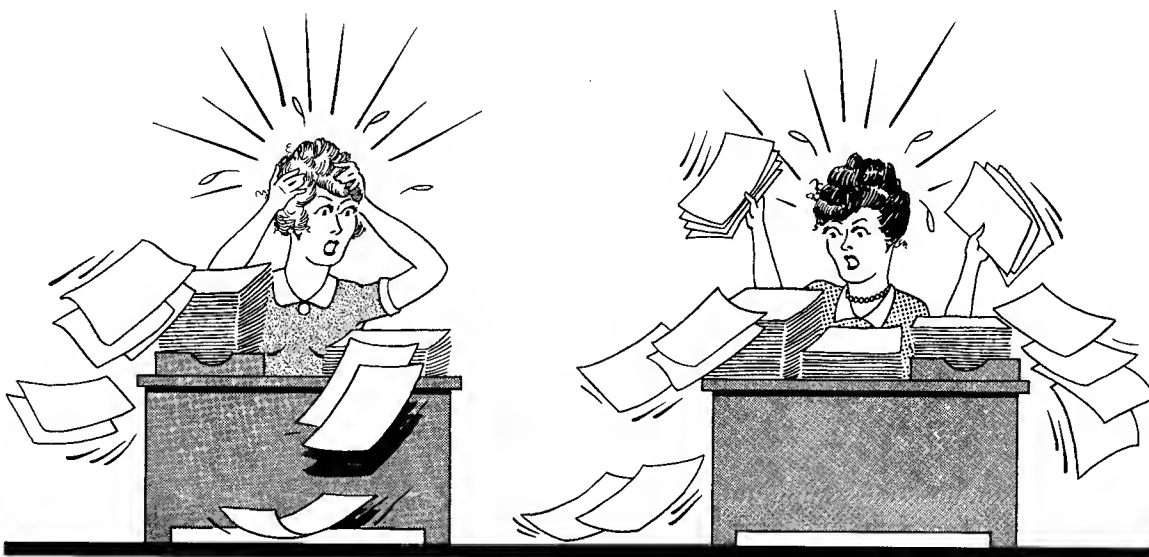
THE DISPOSITION OF GOVERNMENT PAPERS IS
THE GREATEST MASS PAPER JOB IN HISTORY

OUR PROBLEM....RECORDS....RECORDS....RECORDS

The effective disposition of records in the Agency is extremely important because:

-----they are very large in volume.

-----they accumulate rapidly.



THE SOLUTION: A RECORDS DISPOSITION PROGRAM

WHAT IS RECORDS DISPOSITION?

It is an approved systematic plan to establish effective control over the disposition of official records.

The primary objectives of the program are:

-----to assure the preservation of important policies and decisions

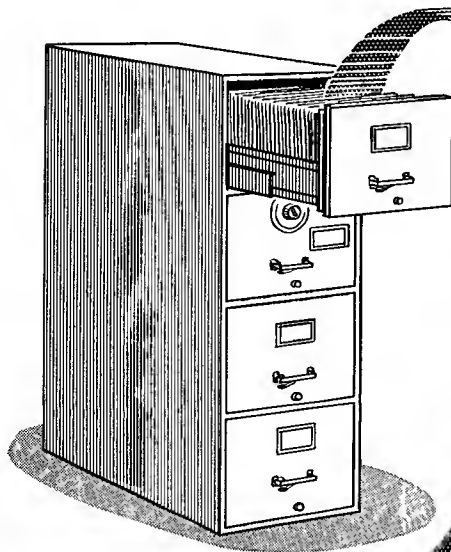
-----to develop uniform schedules for the orderly retirement or disposal of noncurrent and valueless records.

WHAT BENEFITS DOES A RECORDS DISPOSITION PROGRAM OFFER IN THIS AGENCY?

Recent experience in a records disposition survey conducted by the Records Management Staff in one of the major offices of this Agency show, as illustrated, that an office without a records disposition program can expect big initial savings by beginning a comprehensive disposition program-

Total Records Holdings were 20,174 linear feet

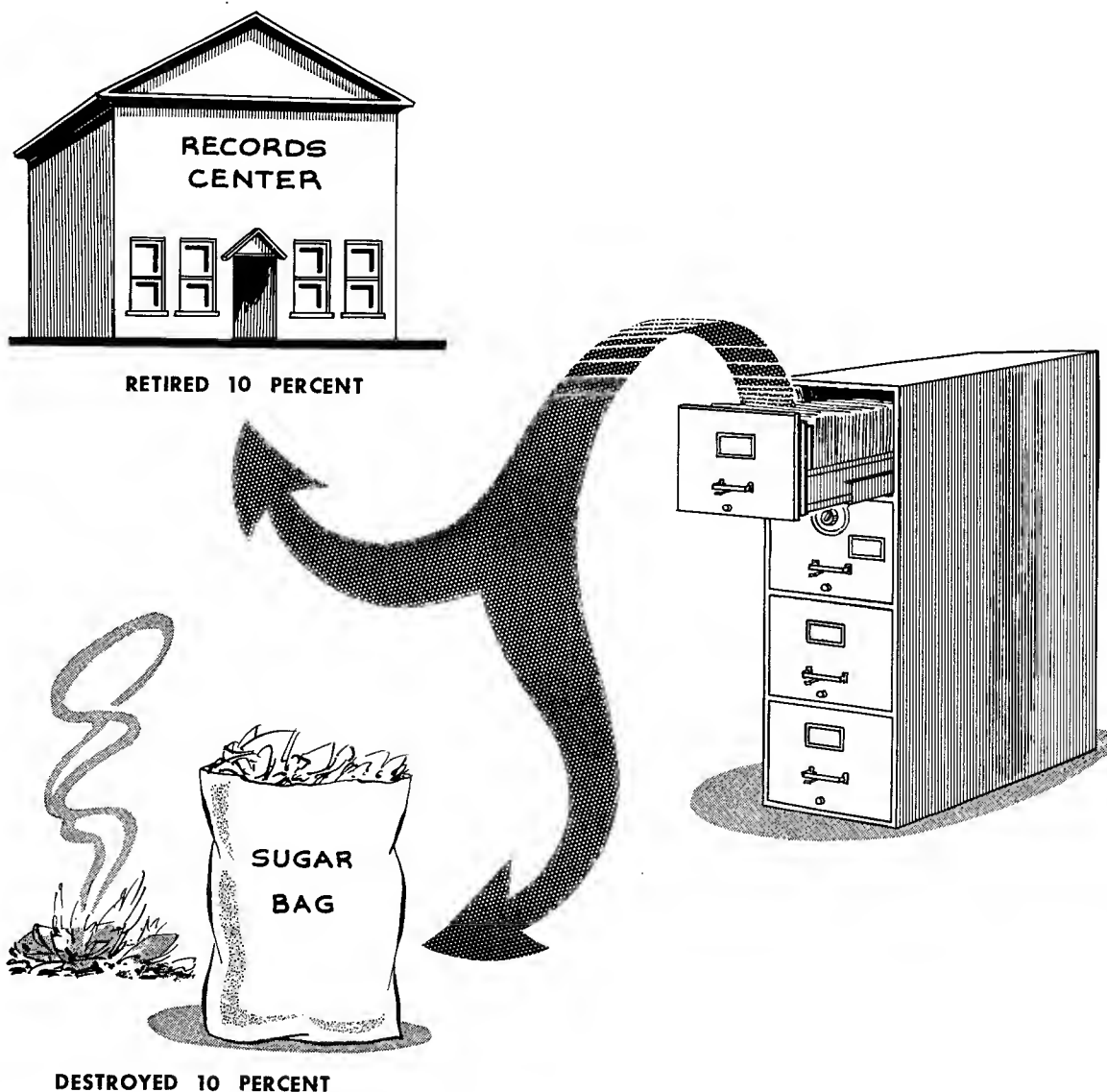
Filing Equipment valued at \$347,828.00



84% or 16,946 linear feet were evaluated as temporary and scheduled for destruction

11% or 2,219 linear feet of library material was identified and scheduled for eventual return to the library

5% or 1,009 linear feet of records were evaluated as permanent and scheduled for eventual transfer to permanent storage



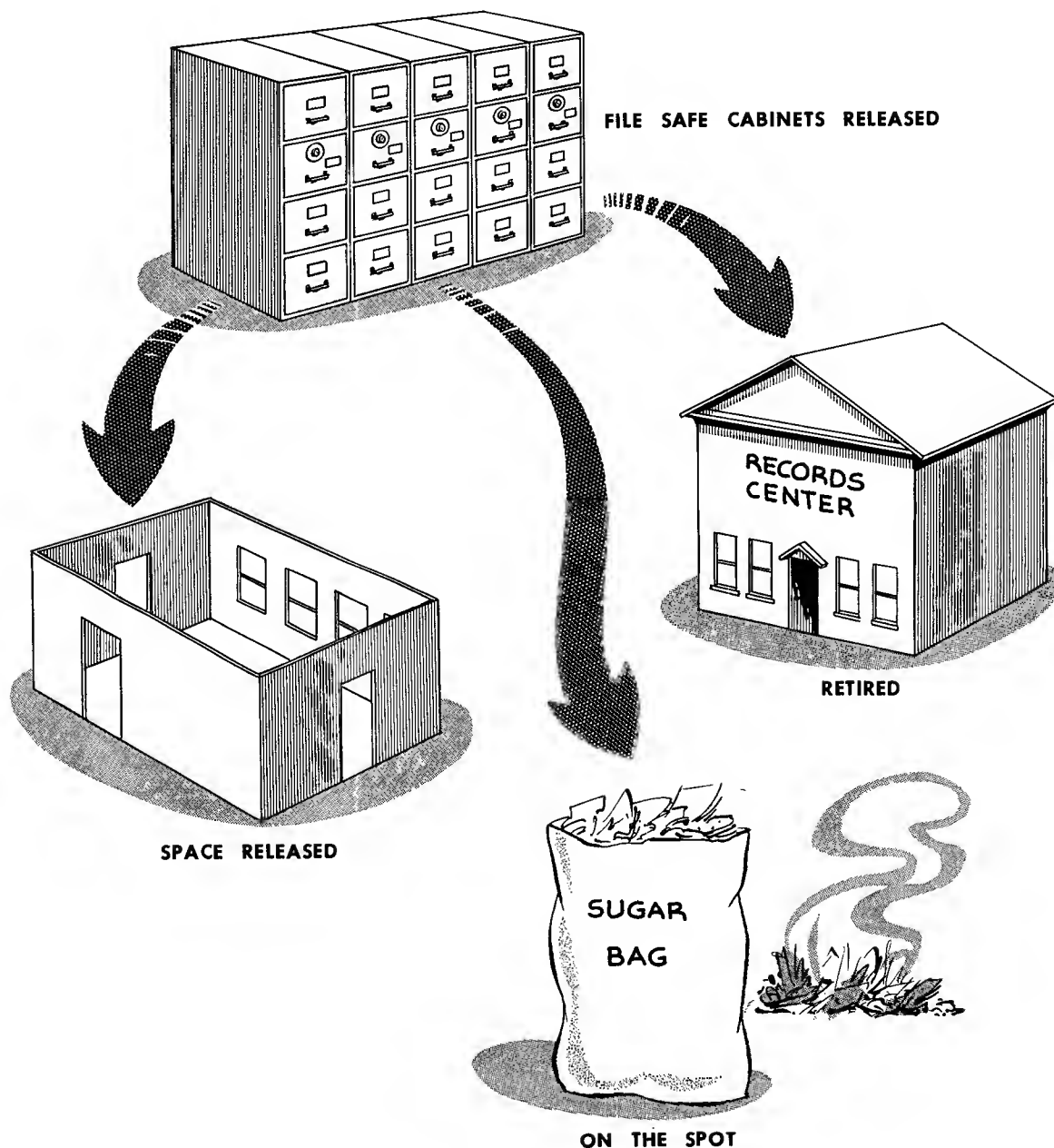
WHAT ARE THE CONTINUING BENEFITS OF A RECORDS DISPOSITION PROGRAM?

If an office continues to maintain an effective records disposition program, it will obtain large savings by:

- destruction of a minimum of 10% of their records annually.
- retirement of a minimum of 10% of their records annually to the Records Center.

THESE BENEFITS CAN BE CONVERTED INTO MONEY SAVINGS

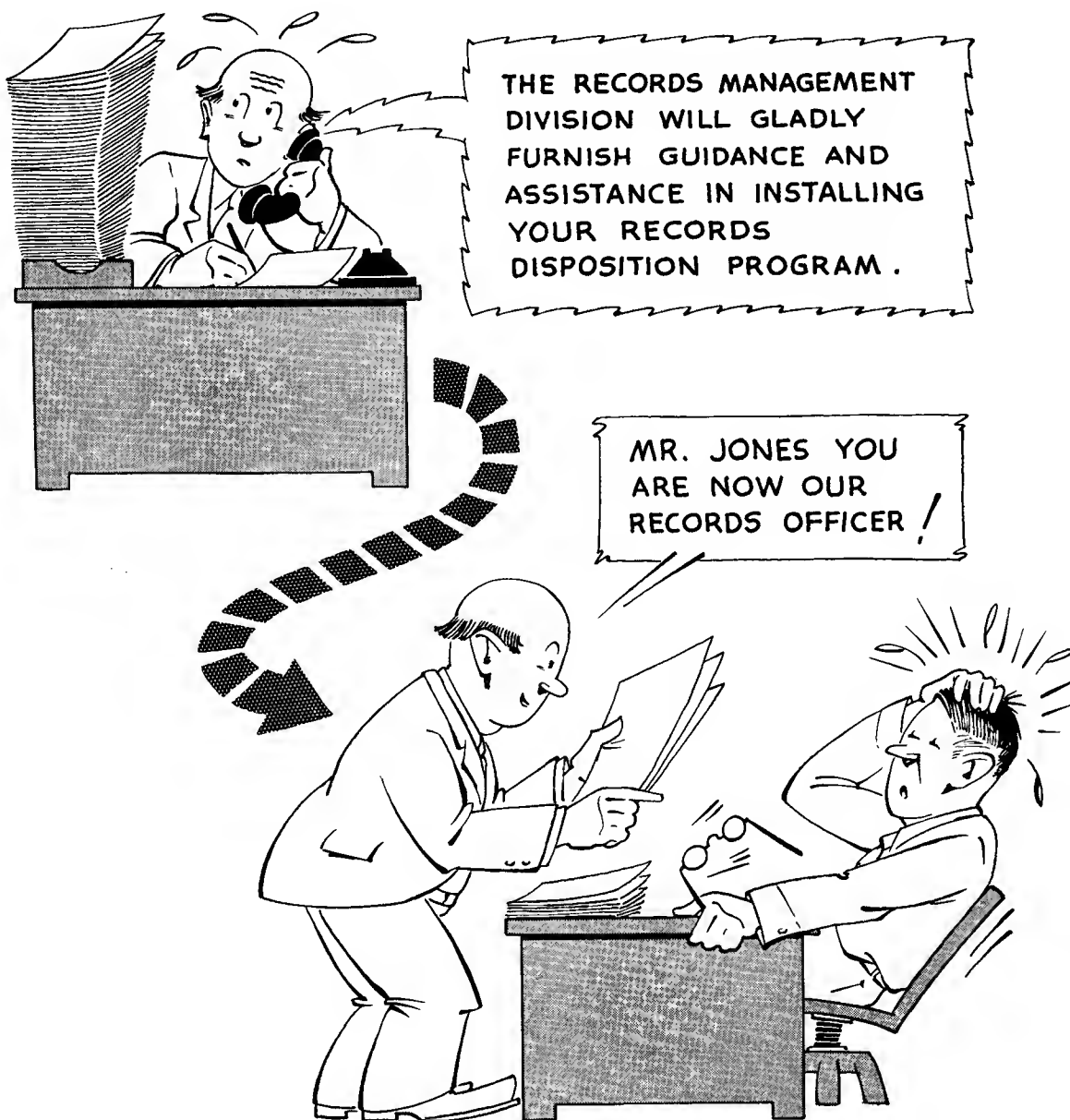
For every cubic foot of records that this Agency can dispose of, on the spot, space and equipment with an estimated replacement value of \$32.10 can be released. For every cubic foot of records that this Agency can transfer to cheap storage, such as the Agency Records Center, there is a net savings of \$30.80 in space and equipment released.



HOW TO INITIATE A RECORDS PROGRAM IN YOUR OFFICE

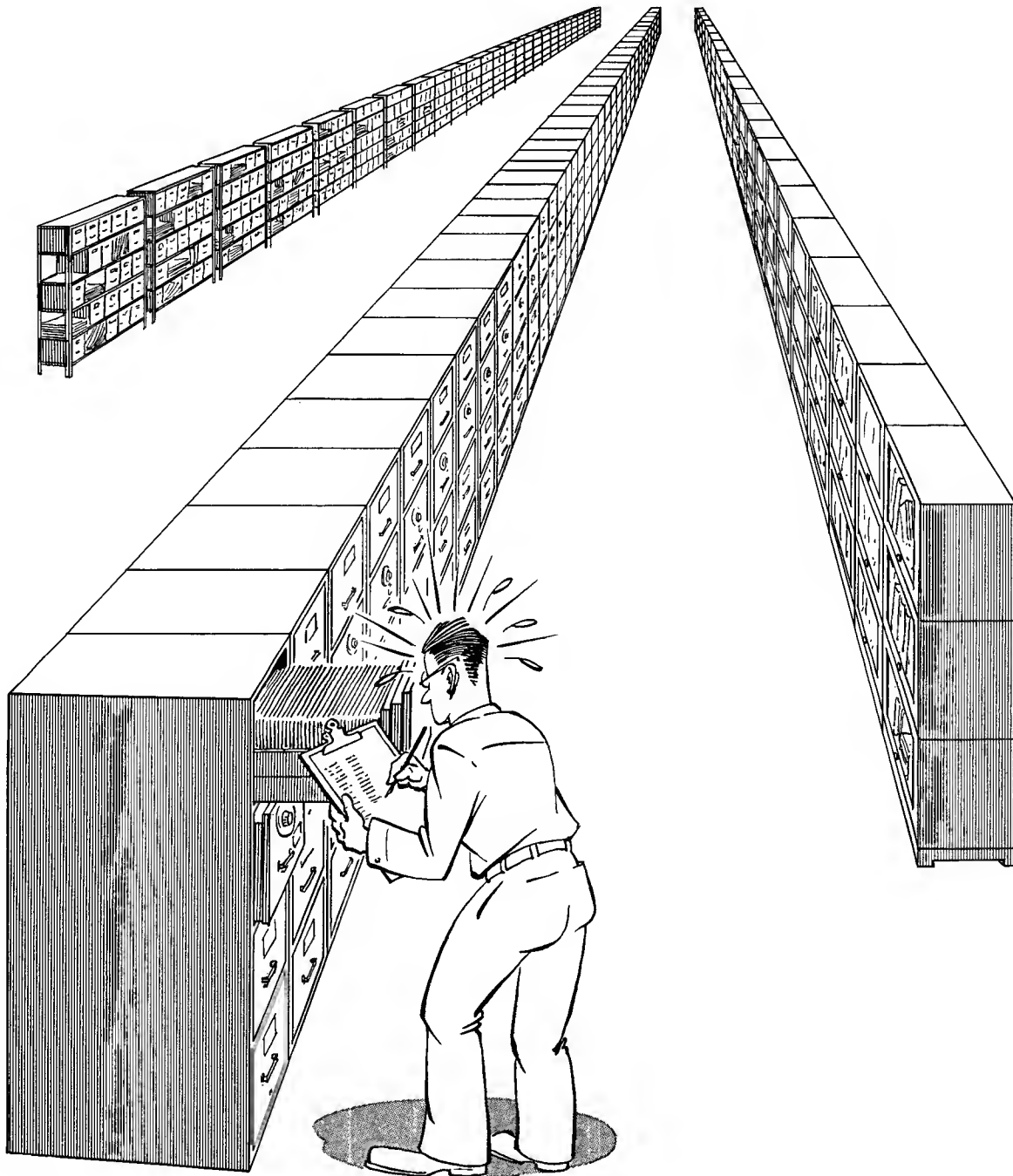
The following illustrations show the major steps to be taken in order to initiate and carry out an effective records disposition program:

I. REQUEST PROGRAM GUIDANCE AND ASSIGN RESPONSIBILITIES



II. INVENTORY ALL RECORDS AND FILES

All material maintained in filing equipment, bookcases and shelvings should be included in the inventory.



III. ANALYZE AND EVALUATE THE INVENTORY

Specific factors are to be considered in evaluating and appraising records for disposition-

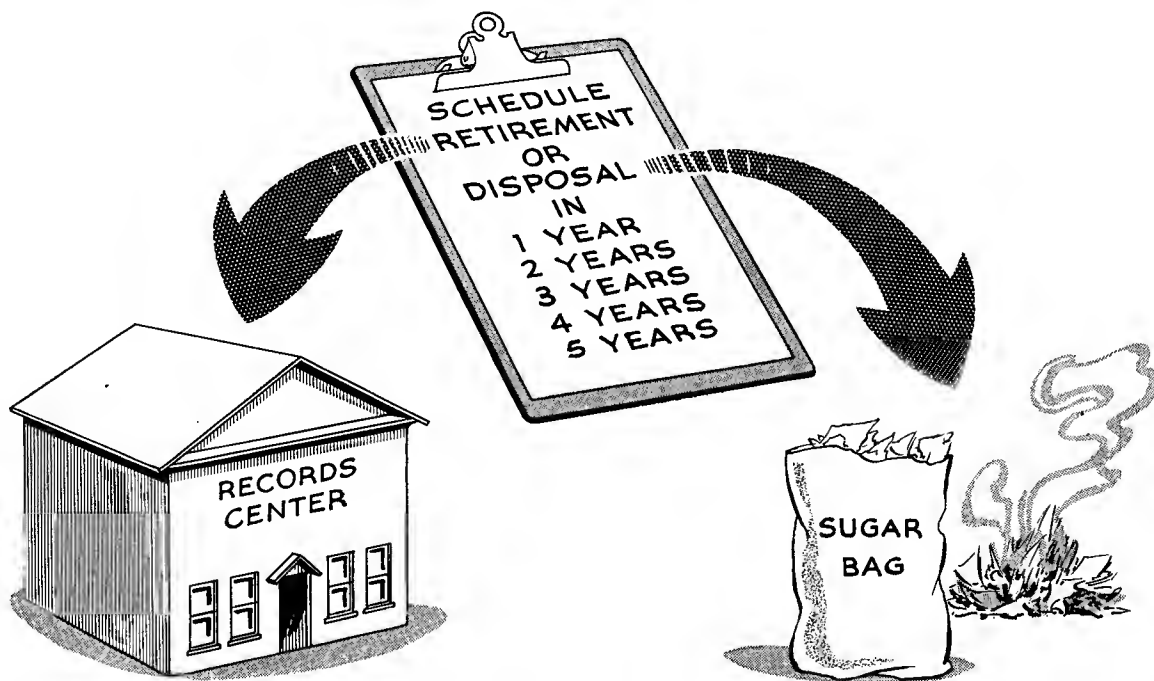


--RECORDS---include documentary materials appropriate for preservation for their evidential or informational value. They reflect the organization, functions, policies, decisions, procedures, operations or other activities of the Agency.

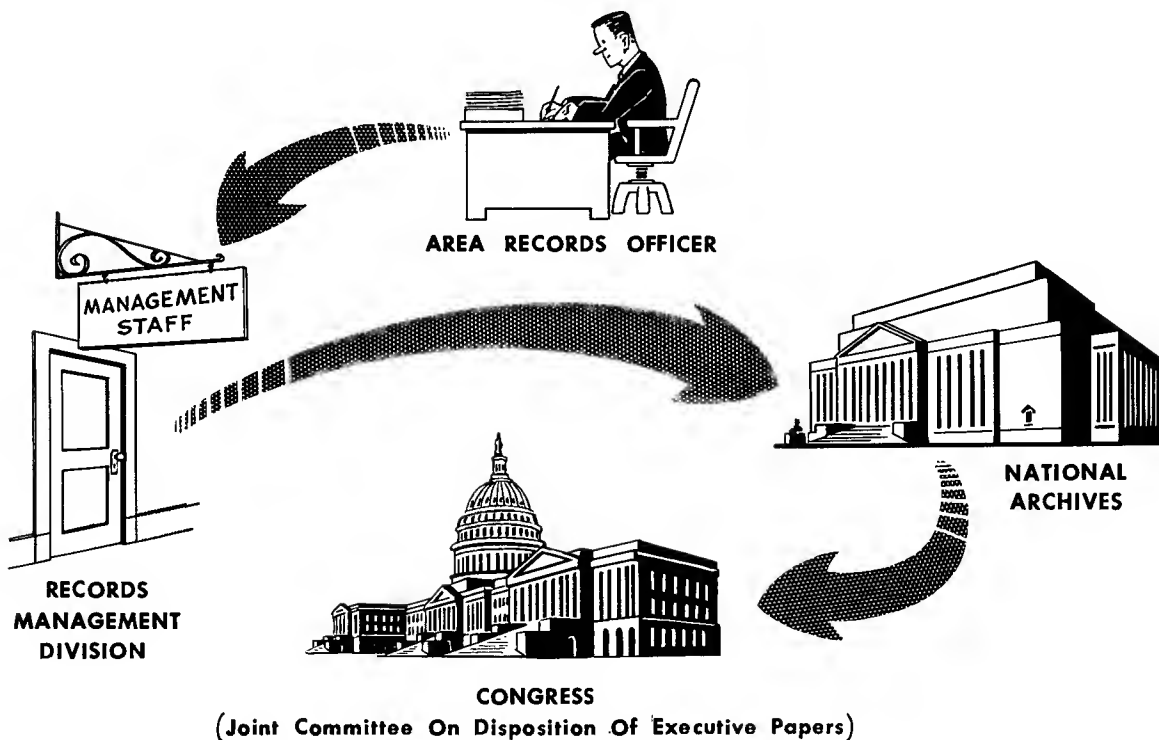
--NONRECORD---materials maintained solely for purposes of reference.

IV. PREPARE RECORD CONTROL SCHEDULES

The schedules are prepared from the survey work sheets after careful analysis of each record series inventoried.



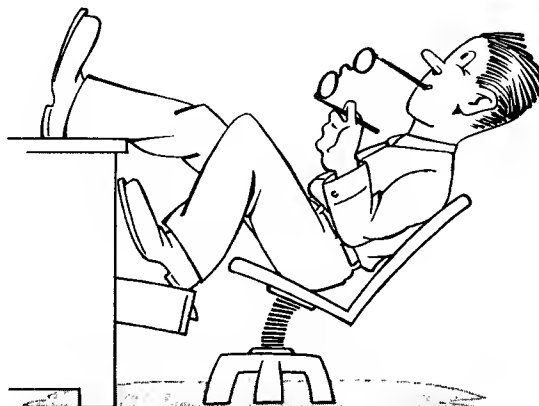
V. SECURE AUTHORITY FOR SCHEDULES



VI. REVIEW RECORD CONTROL SCHEDULES ANNUALLY

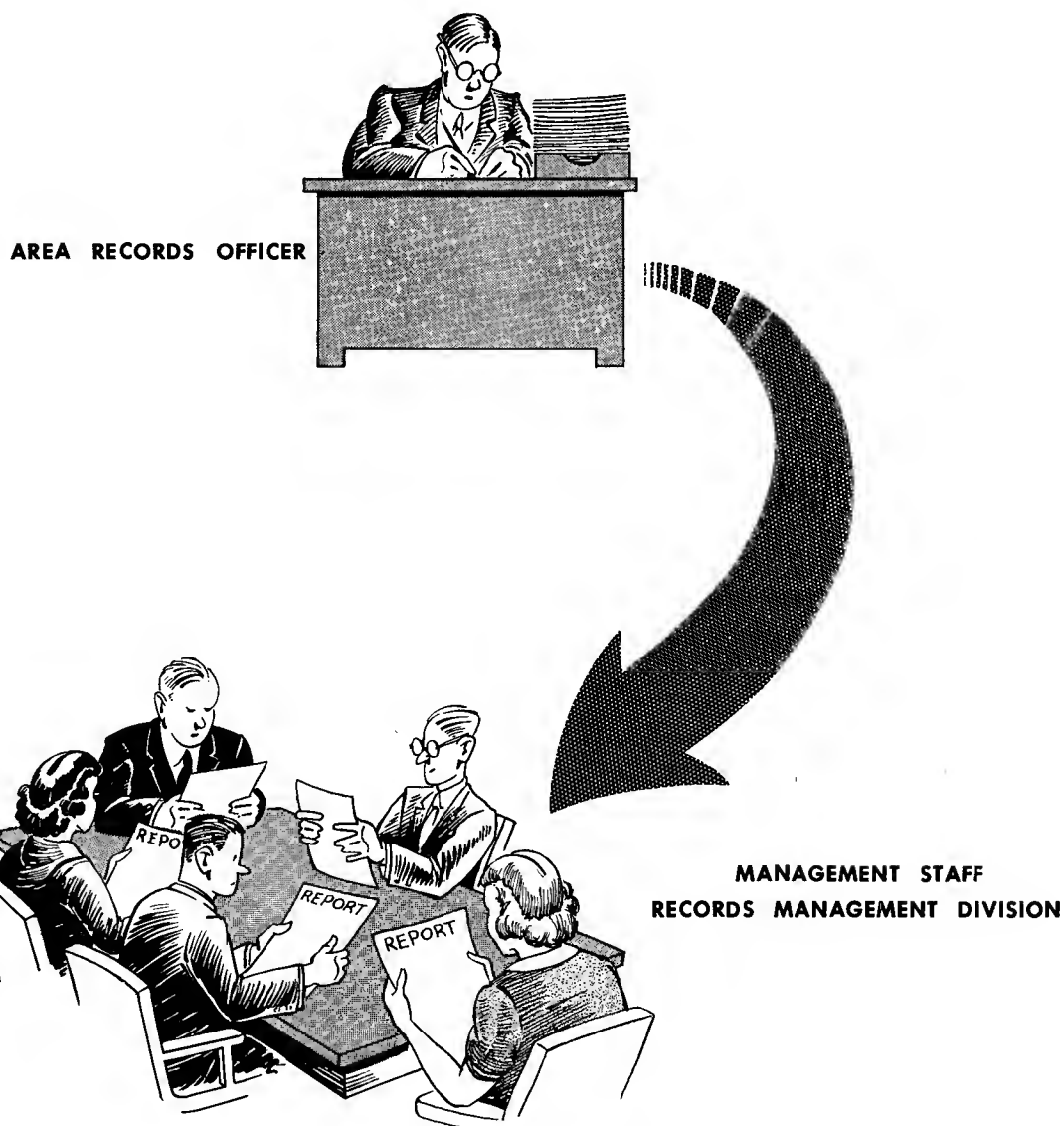
Review the inventory sheets annually to assure that-

- all files have been inventoried
- all files have been scheduled
- the inventory sheets reflect the latest information regarding
- the contents and growth of the files



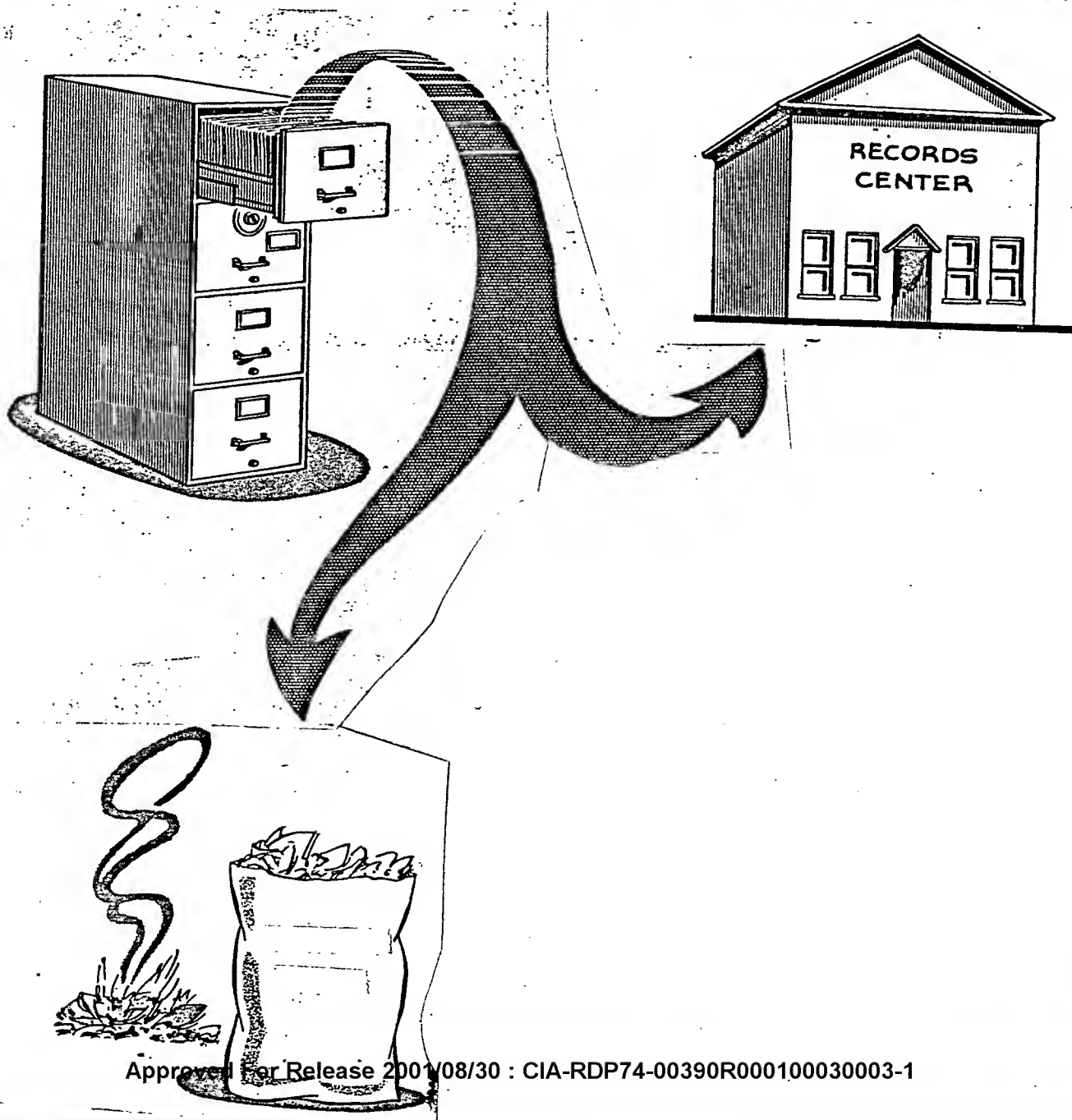
VII. REPORT PROGRESS OF THE PROGRAM

In addition to providing information required by the General Services Administration, the report will be used by the Records Management Division, within the Agency, to measure the results and effectiveness of the program and plan for its improvement.



A STAFF REPRESENTATIVE WILL BE PLEASED TO DISCUSS THE RECORDS DISPOSITION PROGRAM WITH YOU AND ASSIST YOU IN ESTABLISHING YOUR PROGRAM. [REDACTED]

RECORDS DISPOSITION SURVEY AND SCHEDULING



RECORDS DISPOSITION SURVEY AND SCHEDULING

1. Definition - Records disposition is an organized program that provides for the systematic removal of inactive records from office space and their preservation or elimination in accordance with prescribed policies, procedures and legal authorities..
2. Objectives
 - a. The economical and systematic preservation and disposition of records according to Federal statutes and regulations and Agency policies.
 - b. Release office space and filing equipment no longer needed.
3. Method of Accomplishment
 - a. Conduct records disposition survey; obtain background information regarding the organizational structure, functions, and missions, and the flow of work within and between offices concerned.
 - b. Conduct the inventory and record on Form 138, Survey Work Sheet, data needed to determine retention and disposal dates.
 - c. Evaluate records for administrative, legal, fiscal, and historical values.
 - d. Develop records control schedules to provide for the disposition of record and nonrecord material by either permanent preservation, microfilming, destruction, or transfer to Archives and Records Center.
 - e. Obtain approval of schedules from operating officials and the Agency Records Administration Staff.
 - f. Maintain records control schedules up to date to reflect changes in organization.

- g. Conduct periodic follow-up to insure that the disposition of records is being effected in accordance with schedules.
- h. Distribute records control schedules to operating offices.

4. Procedure

- a. Conduct records disposition survey:
 - 1. obtain background information regarding organizational structure, functions, and missions.
 - a. Agency Regulations & Notices
 - b. office Regulations or Instructions and Notices.
 - c. Organization charts
 - d. Previous Studies
 - e. Discuss the records with the operating officials.
 - 2. Secure procedures for information regarding the flow of work within and between offices concerned.
- b. Conduct the inventory and record on Form 138, Survey Work Sheet, data needed to determine retention and disposal dates.
 - 1. Date: The date the inventory or survey is made.
 - 2. Directorate, Office, Division, Branch, and Section maintaining the files.
 - 3. Location of Files: Room number and Building.
 - 4. Name of File: Use title shown on Records Control Schedule.
If not schedules, be descriptive in naming the file being reviewed.
 - 5. Custodian: Enter name of person responsible for the files.
 - 6. Description: Enter Records Schedule and item number. If new or non-scheduled series give description of type and use of records in the file.

7. Arrangement of Records Series: Alphabetic by subject, numerical by case number, chronological, etc.
 8. Dates: Enter years only of oldest and most recent documents in the file.
 9. Size: Check appropriate box and enter linear feet of records. (See table to convert linear to cubic feet of various records.) (Measurements should be as simple as possible; figures rounded to the nearest half-foot are adequate.)
 10. Equipment: Check appropriate box or enter under Other and describe in Remarks.
 11. Remarks: Use for safe numbers, details about equipment, or other notes and explanatory information.
- c. Evaluate records for Administrative, legal, fiscal, and historical values. In evaluating records one of the first things we want to do is to become familiar with the General Services Administration's General schedules. There are twenty (20) of these schedules and they cover a large segment of records. These schedules describe the records and show the authorized disposition authority.
- a. Four Bases for Evaluating Records
- What is the worth of a particular file or a group of records:
How do we evaluate them.
- In evaluating records you are placing them on a scale of future use. The weights on the scale represent the four types of conceivable values which records may have--legal value, which may involve long or short term rights of the Government or of private citizens, enforceable by the courts; administrative value, which involves program use to the agency in carrying on

C-O-N-F-I-D-E-N-T-I-A-L

17 November 1961

TO : **OGC Has Reviewed**

From : Records Administration Officer, DDC

Subject: Office of Record

1. At one of our recent meetings there was a significant interest in the role of the "office of record" in records administration. The following remarks are submitted for your guidance in using this concept.
2. Any organizational element that creates or receives records in the process of carrying out its assigned functions and responsibilities normally becomes the office of record for documenting such activities. Offices of record in CIA range from the immediate offices of the Director and his Deputies down through those of heads of Offices and Chiefs of Staffs, Divisions and Branches.
3. The functions and responsibilities of organizational elements are defined in general terms by Agency regulations and more specifically by internal issuances. Records Control Schedules prepared for these organizational elements describe certain files that document the substantive functions assigned by these issuances. These files can be of temporary or permanent value depending on their current and future usefulness.
4. Properly designated offices of record offer the following advantages in records administration.
 - a. The records are in the custody of the organizational element that has a primary interest in the subject matter or function documented by the records and the primary need to use the files.
 - b. Properly organized offices of record can furnish reference services to other organizational elements and thus curb the maintenance of duplicate files.
 - c. Records disposition is improved since permanent and temporary files can be more readily identified throughout the Agency.
 - d. Overall administration of assigned functions can be improved by a properly established and organized office of record.

5. Maintaining effective records disposition schedules is a continuing job for Records Officers. It involves reviewing and auditing the program and revising schedules when appropriate. In this work it is important to bear in mind the office of record concept in order to establish realistic retention periods, and to detect files that need not be maintained.

6. Attached is a partial list of Agency offices of record showing some of the material they maintain in carrying out their assigned functions.



25X1A

Attachment

C-O-N-F-I-D-E-N-T-I-A-L

C-O-N-F-I-D-E-N-T-I-A-L

OFFICES OF RECORD

DDI Area

<u>Office</u>	<u>Records</u>
OSI	National Intelligence Survey
OCR	[REDACTED] Master Photograph File [REDACTED] Master Negative File (Ground and spot photos) Motion Picture Film
ONE	National Intelligence Estimate Special Intelligence Estimate
OSI	Finished Scientific Intelligence Publications
ORR	Finished Geographic and Economic Intelligence Publications CIA Maps
OCI	Current Intelligence Bulletin Current Intelligence Digest Current Intelligence Weekly Review Calendar of Events
OO	[REDACTED] Information Reports FOO Translations [REDACTED]

25X1A

DDS Area


DD/S	Regulations
CC	CIA Cables
AS	Audit Reports
OL	Contracts [REDACTED]
COMPTROLLER	Pay Rolls CIA Budget Contract Payments [REDACTED]

C-O-N-F-I-D-E-N-T-I-A-L

~~C-O-N-F-I-D-E-N-T-I-A-L~~

MS Employees Medical Chart Files

OF Official Personnel Folders
Strength Reports
Position Control Register
Table of Organization Files

OS Security Case Files
Badge Index


OFR OER Manuals
Lesson Plan Files
OER Filings

OOC Legal Opinions

K1A

~~C-O-N-F-I-D-E-N-T-I-A-L~~

DOCUMENTS

ferences. See section 686 of sentence of the section should to read, "After March 4, 1900, shall not be published in

s, notices, and proposals contracts, and all forms of departments of the Govern- ment the commercial rates discounts. But the heads terms at special rates when- ded Sept. 23, 1950, c. 1010,

ferences
pers 5(2).
Newspapers § 20.

struction held applicable only to ental advertising and not to ad- expenses payable out of funds ter equity receiverships. Thorn- fault, D.C.Ky.1937, 18 F.Supp.

17(a), 60 Stat. 811.

tion to subordinate officials of to publish advertisements, see 22a of Title 5, Executive De- partments and Government Officers and

quired by law, or the lawful or other person, in any news- cents per folio for the first in subsequent insertion. The de the furnishing of lawful made and fur ed by the R.S. § 853.

in behalf of govern but to all s published on or court. The Coast. D.C.Cal. Supp. 727. provision relative order re- by law or by the al order of court, department an, or other in any newspa applies only to publication case of judi- proceedings, and the publica- laws and tre by the Secre- of State. 1854, 6 Gen. 502.

advertisements s section regula suly fees and strictly charged as between par- and does not de court of eq- and discretion to law out of fund custody in receivership suit such as for advertise as justice, and ay may require enton v. Gault, Ky.1937, 18 F.Supp. 727. to advertisement dured by law the departments. include all isements that euted by the shals, who are e officers, un- the charge of an to the gen- supervision of department of Gen. 150. see 1888, 10 C

§ 326. Meaning of folio

The term folio shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio; but a less number than fifty words shall not be counted, except when the whole statute, notice, or order contains less than fifty words. R.S. § 854.

Index to Notes

Computation 1
Separate papers 2
Undue prolixity 3

Library references
Newspapers 5(2).
C.J.S. Newspapers § 20.

1. Computation

When the number of words is less than a hundred they are counted a folio, and such entry being in fact a record, the clerk is entitled to ten cents for filing and fifteen cents for the record entry in the calendar. Amy v Shelby County, C. Tenn.1872, 1 Flipp. 104, 1 Fed.Css.No. 345.

2. Separate papers

In making up a record, a clerk must count the folios of the record as though of one instrument continuously from be- ginning to end, and not treat each docu- ment, judgment, order, and direction of the court as a separate instrument and he is entitled to charge fifteen cents per folio for the record made up in this man- ner only. U. S. v. Kurtz, Ct.Cl.1896, 17 S.Ct. 15, 164 U.S. 40, 41 L.Ed. 340, over- ruling Erwin v. U. S., 1889, 37 F. 470, 2 L.R.A. 220.

In determining the number of folios in a final record each separate and distinct order, notice, or other paper is to be counted separately, according to the rule prescribed in this section, and the ag- gregate of the folios so found is the number of folios in the record. Erwin v. U. S., D.C.Ga.1889, 37 F. 470, 492, 2 L.R. A. 220.

Where the journal entries in criminal cases are made up in pursuance of an order of court requiring the proceedings to be entered, not in the form of a mere

rectal, but each order, motion, and pro- ceeding in a paragraph separate from others under the same caption, the clerk is entitled to charge 15 cents for each of said separate orders, motions, etc., al- though they may relate to the same case, and be entered under the same caption. Marsh v. U. S., D.C.Fla.1898, 88 F. 879, reversed on other grounds, C.C.A.1899, 92 F. 689, and C.C.A.1901, 106 F. 474.

In an action by the clerk against the United States to recover fees charged for record entries made in criminal cases, which have been disallowed by the treas- ury department, the clerk's accounts, which were presented to and approved by the court, are prima facie evidence of the correctness of the items therein con- tained, and the plaintiff is not required to prove that each separate entry for which a charge is made therein, which purports to relate to a separate and dis- tinct transaction, does in fact relate to such a transaction, so as to entitle him to charge for the same as a folio, under this section, and especially where the statements of disallowances by the aud- itor do not disclose what particular items are objected to, nor any principle upon which the disallowances were made. Marsh v. U. S., D.C.Fla.1901, 109 F. 236.

When an original entry of an order is made though less than a folio, it is chargeable as a folio, each entry of a kind standing by itself, distinct from all others. Cavender v. Cavender, C.C.Mo. 1882, 10 F. 828.

3. Undue prolixity

A commissioner is entitled to fees by the folio for drawing orders, to the full number of folios employed, in the ab- sence of proof that these papers were unnecessarily prolix. Hirschbeck v. U. S., D.C.N.Y.1894, 63 F. 940.

44 U.S.C.A. § 366

CHAPTER 10.—DISPOSITION OF RECORDS [NEW]

- | | |
|--|--|
| <p>Sec.
351-365. Repealed.
366. Definition of records.
367. Regulations by National Archives Council covering lists of records for disposal, procedure for dis- posal, and standards for repro- duction; approval by President.
368. Lists and schedules of records to be submitted to Administrator of General Services by head of each Government agency.
369. Lists and schedules of records lack- ing preservation value; submis- sion to Congress by Administra- tor of General Services.
370. Same; examination by joint con- gressional committee and report to Congress.
371. Same; disposal of records by head of Government agency upon noti- fication by Administrator of Gen- eral Services of action by joint congressional committee.
372. Same; disposal of records upon failure of joint congressional com- mittee to act.</p> | <p>Sec.
373. Same; disposal of similar records where prior disposal was author- ized.
374. Preservation of claims of Govern- ment until settled in General Ac- counting Office; disposal author- ized upon written approval of Comptroller General.
375. Disposal of records constituting menace to health, life, or prop- erty; report of action by Admin- istrator of General Services to agency.
376. Destruction of records outside con- tinental United States in time of war or when hostile action seems imminent; written report to Ad- ministrator of General Services.
377. [New; Repealed].
378. Photographs or microphotographs of records considered as orig- inals; certified reproductions ad- missible as evidence.
379. Moneys from sale of records as payable into the Treasury.
380. Procedures for disposal of records as exclusive.</p> |
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§§ 351-356. Repealed July 7, 1943, c. 192, § 16, 57 Stat. 383.

Sections were from Act Aug. 5, 1939, amended by Act Mar. 13, 1942, c. 179, 56 Stat. 481, §§ 1-6, 53 Stat. 1219, 1220, as amended by Act Mar. 13, 1942, c. 179, 56 Stat. 170.

§ 357. Repealed. Mar. 13, 1942, c. 179, 56 Stat. 171.

Section was from Act Aug. 5, 1939, c. 481, § 7, 53 Stat. 1220. Section 8 of that Act was renumbered 7 thereof by the repealing Act of Mar. 13, 1942, and constitutes section 358 of this title.

§§ 358-363. Repealed. July 7, 1943, c. 192, § 16, 57 Stat. 383.

Sections 358-361 were from Act Aug. 5, 1939, c. 481, §§ 7-10, 53 Stat. 1220, 1221, said sections 7-10 as so renumbered by Act Mar. 13, 1942, c. 179, 56 Stat. 171. Sections 362, 363, were from Act Sept. 24, 1940, c. 727, §§ 1, 2, 54 Stat. 958, 959.

§ 364. Repealed. Oct. 25, 1951, c. 562, § 1 (27), 65 Stat. 639

Section, Act June 27, 1942, c. 450, § 1, 56 Stat. 411, which related to disposal of redeemed food stamps issued by Surplus Marketing Administration, is now covered by sections 366-380 of this title. Similar provisions were contained in Act Apr. 5, 1941, c. 40, § 1, 55 Stat. 112, which was repealed by section 1(26) of Act Oct. 25, 1951, c. 562, § 1(26), 65 Stat. 639.

§ 365. Repealed. Oct. 25, 1951, c. 562, § 1 (28), 65 Stat. 639

Section, Act Oct. 26, 1942, c. 629, Title II, 56 Stat. 1000, which related to disposition of redeemed, canceled, or spoiled Defense or War Savings stamps, is now covered by sections 366-380 of this title.

§ 366. Definition of records

When used in sections 366-376 and 378-380 of this title, the word "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in sections 366-376 and 378-380 of this title. July 7, 1943, c. 192, § 1, 57 Stat. 380.

Library references: Records 13; C.J.S. Records §§ 34, 40.

Repeal of laws inconsistent with sections 366-380. In addition to repealing former sections 351-356, 358-363 of this title, section 10 of Act July 7, 1943, cited to text, provided: "All other Acts or parts of Acts inconsistent with the provisions of this Act [sections 366-376 and 378-380 of this title] are hereby repealed."

§ 367. Regulations by National Archives Council covering lists of records for disposal, procedure for disposal, and standards for reproduction; approval by President

The National Archives Council shall promulgate regulations, not inconsistent with sections 366-376 and 378-380 of this title, establishing (1) procedures for the compiling and submitting to the Administrator of General Services of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government. July 7, 1943, c. 192, § 2, 57 Stat. 381, amended June 30, 1949, c. 288, Title I, § 104, 63 Stat. 381.

Library references: Records 13; C.J.S. Records §§ 34, 40.

Transfer of Functions. The National Archives Council was transferred to the General Services Administration by section 104(b) of Act June 30, 1949, cited to text.

The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104 is set out as section 391 of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 201 of Title 41, Public Contracts.

Repeals. Section repealed by Act June 30, 1949, c. 288, Title VI, § 602(b) (2) as

renumbered and added by Act 1950, c. 849, § 7(c), 64 Stat. 500, so that the provisions of this title are inconsistent with chapter 1 title.

§ 368. Lists and schedules of General Services by Administrator

The head of each agency to the Administrator of General Services as provided in the custody of the records photographed in accordance with the sequence thereof, do not appear for further preservation by the Administrator in the custody of the agency of its current business and administrative, legal, research, or other functions by the Government; and the lapse of specified period of time character that either have that may accumulate there schedules and that apparently have sufficient administrative warrant their further preservation. July 7, 1943, c. 192, § 3, 57 Stat. 381, amended June 30, 1949, c. 288, Title I, § 104, 63 Stat. 381.

Library references: Records 13; C.J.S. Records §§ 34, 40. Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(b) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 369. Lists and schedules of records for disposal by Administrator

The Administrator of General Services shall, from time to time as he shall deem expedient, in accordance with the provisions of this title, prepare such lists or schedules, and maintain them in his custody, insofar as it shall be necessary, and such lists or schedules do not, or may not, have sufficient administrative warrant their continued preservation. Provided, That the Administrator shall submit such lists or schedules to Congress for its approval.

The Administrator of General Services shall, from time to time as he shall deem expedient, in accordance with the provisions of this title, prepare such lists or schedules, and maintain them in his custody, insofar as it shall be necessary, and such lists or schedules do not, or may not, have sufficient administrative warrant their continued preservation. Provided, That the Administrator shall submit such lists or schedules to Congress for its approval.

Library references: Records 13; C.J.S. Records §§ 34, 40. 1915 Amendment. Act July 1, 1915, amended section by adding the paragraph.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(b) of Act June 30, 1949, cited to text.

MENTS

7 Stat. 388.

Apr. 13, 1942, c.

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61, 57 Stat. 388.

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65 Stat. 639

contained in Act June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381, which is inconsistent with the provisions of Act June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

65 Stat. 639

Savings stamps, is now
300-380 of this title.

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Act [sections 300-380 and
381] are hereby repealed."

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104, 63 Stat. 381.

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of transfer of functions,
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out under section 201 of
Contracts.
on repealed by Act June
Title VI, § 602(b), as

renumbered and added by Act Sept. 5, 1950, c. 849, § 7(e), 64 Stat. 590, to the extent that the provisions of this section are inconsistent with chapter 11 of this title.

Legislative History: For legislative history and purpose of Act June 30, 1949, cited to text, see 1949 U.S. Code Cong. Service, p. 1475.

§ 308. Lists and schedules of records to be submitted to Administrator of General Services by head of each Government agency

The head of each agency of the United States Government shall submit to the Administrator of General Services, in accordance with regulations promulgated as provided in section 367 of this title (1) lists of any records in the custody of the agency that have been photographed or microphotographed in accordance with the said regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government. July 7, 1943, c. 192, § 3, 57 Stat. 381, amended June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 13; C.J.S. Records §§ 34, 40.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 301(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 309. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services

The Administrator of General Services shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him, in accordance with the provisions of section 368 of this title, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Administrator of General Services shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The Administrator of General Services may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. July 7, 1943, c. 192, § 4, 57 Stat. 381, amended July 6, 1945, c. 273, § 1(a), 59 Stat. 434; June 30, 1949, c. 288, Title I, § 104, 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

1945 Amendment. Act July 6, 1945, amended section by adding the second par.

Transfer of Functions. The National Archives Council was transferred to the

The functions of the Archivist were transferred to the Administrator of Gen-

era. Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104 is set out as section 391 of this title. Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.
Repeals. Section repealed by Act June 30, 1949, c. 288, Title VI, § 602(b) (2) as

renumbered and added by Act Sept. 5, 1950, c. 849, § 7(e), 64 Stat. 590, to the extent that the provisions of this section are inconsistent with chapter 11 of this title.
Legislative History: For legislative history and purpose of Act June 30, 1949, cited to text, see 1949 U.S. Code Cong. Service, p. 1475.

§ 370. Same; examination by joint congressional committee and report to Congress

Whenever the Administrator of General Services shall submit lists or schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on House Administration of the House of Representatives, shall constitute a joint committee to which all such lists or schedules shall be referred, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations: July 7, 1943, c. 192, § 5, 57 Stat. 381, amended Aug. 2, 1946, c. 753, Title I, § 121, 60 Stat. 822; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.
1946 Amendment. Act Aug. 2, 1946, cited to text, merged the Committee on the Distribution of Executive Papers of the House of Representatives into the Committee on House Administration of the House of Representatives.
Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 371. Same; disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Administrator of General Services shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 369 of this title shall be permissive and not mandatory. July 7, 1943, c. 192, § 6, 57 Stat. 381, amended July 6, 1945, c. 273, § 1(b), 59 Stat. 434; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.
1945 Amendment. Act July 6, 1945, amended section by omitting "the head of" following "shall notify" wherever appearing, inserting "or agencies" following "the agency" wherever appearing, omitting "by which the list or schedule was submitted" and inserting in lieu thereof "having such records in their custody", and by adding proviso.
Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 372. Same; disposal of records upon failure of joint congressional committee to act

If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Administrator of General Services not less than ten days prior to the

adjournment of such session, the Administrator shall cause to be disposed of such records as may be empowered the agency or agencies to dispose of by such lists or schedules in accordance with regulations prescribed by the Administrator of General Services: July 7, 1943, c. 192, § 8, 57 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.
1915 Amendment. Act July 7, 1915, amended section by omitting "the agency who submitted the schedule to cause the records to be disposed of" and inserting in lieu thereof "the agency or agencies having such records in their custody".
Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 373. Same; disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

Whenever it shall appear to the Administrator of General Services that any agency has in its custody records of such form or character as may be disposed of by the Administrator of General Services, he shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 369 of this title shall be permissive and not mandatory. July 7, 1943, c. 192, § 8, 57 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.
Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 374. Preservation of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

Records pertaining to the United States or against the United States shall be disposed of by the head of the agency or agencies having such records in their custody in accordance with regulations promulgated as provided in section 367 of this title: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 369 of this title shall be permissive and not mandatory. July 7, 1943, c. 192, § 8, 57 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.
Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 375. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

Whenever the Administrator of General Services shall determine that any agency has in its custody records of such form or character as may be disposed of by the Administrator of General Services, he shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 369 of this title shall be permissive and not mandatory. July 7, 1943, c. 192, § 8, 57 Stat. 381.

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referred and added by Act Sept. 5, 1940, § 7(c), 64 Stat. 590, to the extent that the provisions of this section are inconsistent with chapter 11 of this title.

Legislative History: For legislative history and purpose of Act June 30, 1949, see text, see 1949 U.S. Code Cong. & Admin. News, p. 1475.

Congressional committee and re-

Services shall submit lists or of the presiding officer of the members of the Committee Representatives, shall constitute lists or schedules shall be re-examine such lists or schedules Representatives, respectively, amendments. July 7, 1943, c. 1946, c. 753, Title I, § 121, 60 Stat. 104(a), 63 Stat. 381.

Records §§ 73, 75, 76.

104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title. **Effective date of transfer of functions.** Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

and of Government agency upon services of action by joint con-

of the records listed in a list not after the lapse of the period of time, research, or other value to the Government, the Administrator of General Services or agencies having such records shall be disposed of in accordance with section 367 of this title: provided that schedules submitted pursuant to schedules submitted of this title shall be permissive. July 7, 1943, c. 1946, c. 753, Title I, § 121, 60 Stat. 104(a), 63 Stat. 381, amended July 7, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Records §§ 73, 75, 76.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Delegation of Authority. General delegation of authority, see note set out under section 630 of Title 5, Executive Departments and Government Officers and Employees.

Executive Order No. 9784. Ex. Ord. No. 9784, Sept. 26, 1946, 11 F.R. 10909, formerly cited as a note under this section, was amended by Ex. Ord. No. 10561, Sept. 14, 1949, 14 F.R. 5563, set out as a note under section 632 of Title 5.

in failure of joint Congressional

report during any regular or special session of Congress by less than ten days prior to the

adjournment of such session, the Administrator of General Services may empower the agency or agencies having in their custody records covered by such lists or schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title. July 7, 1943, c. 192, § 8, 57 Stat. 382, amended July 6, 1945, c. 273, § 1(c), 59 Stat. 434; June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records §§ 22; C.J.S. Records §§ 73, 75, 76.

1945 Amendment. Act July 6, 1945, amended section by omitting "the head of the agency who submitted the list or schedule to cause the records listed therein" and inserting in lieu thereof "the agency or * * * cause such records".

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by sec-

tion 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 373. Same; disposal of similar records where prior disposal was authorized

Whenever it shall appear to the Administrator of General Services that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in section 367 of this title and without listing or scheduling them. July 7, 1943, c. 192, § 8, 57 Stat. 382, amended June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records §§ 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 374. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General

Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted pursuant to the provisions of sections 371, 372, and 373 of this title, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States. July 7, 1943, c. 192, § 9, 57 Stat. 382.

Library references: Records §§ 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, c. 288, Title I, 63 Stat. 381. Said section 104(a) is set out as section 391(a) of this title. **Effective date of transfer of functions.** Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Legislative History: For legislative history and purpose of Act June 30, 1949, cited to text, see 1949 U.S. Code Cong. & Admin. News, p. 1475.

§ 375. Disposal of records constituting menace to health, life, or property; report of action by Administrator of General Services to agency

Whenever the Administrator of General Services and the head of the agency that has custody of them shall jointly determine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Administrator of General Services shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Administrator of General Services are disposed of under this

section, the Administrator of General Services shall report the disposal thereof to the agency from which they were transferred. July 7, 1943, c. 192, § 10, 57 Stat. 382, amended June 30, 1949, c. 288, Title I, § 104 (a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 376. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Administrator of General Services

At any time during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided*, That within six months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Administrator of General Services in which he shall describe the character of such records and state when and where the disposal thereof was accomplished. July 7, 1943, c. 192, § 11, 57 Stat. 382, amended June 30, 1949, c. 288, Title I, § 104(a), 63 Stat. 381.

Library references: Records 22; C.J.S. Records §§ 73, 75, 76.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Continuation of provisions until July 1, 1953. Section 1(a) (3) of Joint Res. July 3, 1952, c. 570, 66 Stat. 331, as amended by Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18 provided that this section should continue in force until six months after the termination of the national emergency proclaimed by the President on Dec. 16, 1950 by 1950 Proc. No. 2914.

§ 377. Repealed. Oct. 31, 1951, c. 654, § 1 (117), 65 Stat. 706

Section, Acts July 7, 1943, c. 192, § 12, 57 Stat. 382; July 6, 1945, c. 273, § 1(d), 59 Stat. 434, which related to reports to

Congress, is now covered by section 402 of Title 40, Public Buildings, Property, and Works.

§ 378. Photographs or microphotographs of records considered as originals; certified reproductions admissible as evidence

Photographs or microphotographs of any records made in compliance with regulations promulgated as provided in section 367 of this title shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. July 7, 1943, c. 192, § 13, 57 Stat. 382.

Library references: Records 15; C.J.S. Records §§ 33, 40.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, c. 288,

Title I, 63 Stat. 381. Said is set out as section 391(a) of this title. **Effective date of transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.**

§ 379. Moneys from

All moneys derived from records authorized for and 378-380 of this title States unless otherwise provided. July 7, 1943, c. 192, § 14.

Library references: Unit

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

§ 380. Procedures

The procedures hereinafter provided for the United States Government shall be in accordance with the provisions of this title. July 7, 1943, c. 192, § 15.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, cited to text. Said section 104(a) is set out as section 391(a) of this title.

Effective date of transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

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shall report the disposal transferred. July 7, 1943, 1949, c. 288, Title I, § 104

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continental United States in imminent; written report to

of war between the United action by a foreign power of the United States Government records in his legal custody but, ship, or other depository (United States (1) the retention interests of the United States for military purposes and administrative, legal, research, or preservation: *Provided*, That such records, the official who written report thereon to the shall describe the character disposal thereof was accomplished, amended June 30, 1949,

§§ 73, 75, 76.

1949, set out as a note preceding 1. of Appendix to Title 50, War National Defense, or such earlier date, as may be provided for progress, but in no case beyond 1953. Section 7 of said Joint Res. 1952, provided that it should be effective June 16, 1952. of prior Acts continuing section. of Joint Res. July 3, 1952, re- Joint Res. Apr. 14, 1952, c. 204, 66 as amended by Joint Res. May c. 339, 66 Stat. 364, Joint Res. 1952, c. 437, 66 Stat. 137; Joint Res. 30, 1952, c. 326, 66 Stat. 296. continued provisions until July 3, 1952 shall take effect as of 1952 by section 7 of said Joint Res. 3, 1952.

§ 1 (117), 65 Stat. 706

is now covered by section 402 of Title 40, Public Buildings, Property, and Works.

of records considered as evidence

records made in compliance in section 367 of this title originals thereof would have purpose of their admissibility reproductions of such photographs. July 7, 1943, c. 192, §

§§ 33, 40.

Administrator of General Services by section 4(a) of Act June 30, 1949, c. 288.

Title I, 63 Stat. 381. Said section 104(a) 1919, see note set out under section 471 is set out as section 391(a) of this title. of Title 40, Public Buildings, Property, and Works.
Effective date of transfer of functions. and Works.
Transfer of functions as effective July 1,

§ 370. Moneys from sale of records as payable into the Treasury

All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of sections 366-376, and 378-380 of this title shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency. July 7, 1943, c. 192, § 14, 57 Stat. 383.

Library references: United States 55; C.J.S. United States §§ 71, 73.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, c. 288, Title I, 63 Stat. 381. Said section 104(a) is set out as section 391(a) of this title. Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

§ 380. Procedures for disposal of records as exclusive

The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of sections 366-376 and 378-380 of this title. July 7, 1943, c. 192, § 15, 57 Stat. 383.

Transfer of Functions. The functions of the Archivist were transferred to the Administrator of General Services by section 104(a) of Act June 30, 1949, c. 288, Title I, 63 Stat. 381. Said section 104(a) is set out as section 391(a) of this title. Effective date of transfer of functions. Transfer of functions as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Library references

Records 22.
C.J.S. Records §§ 73, 75, 76.

1. Prison records

Where prisoner sought to compel Attorney General to deliver up to prisoner certain letters from a young lady and her father contained in his prison file, sections 366-380 of this title providing for procedure relating to disposition, safe-keeping, and destruction of government records were exclusive and precluded relief sought. *Dayton v. McGrawery*, 1953, 201 F.2d 711, 92 U.S.App.D.C. 24.

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CHAPTER 11.—FEDERAL RECORD MANAGEMENT [NEW]

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| 305. Records management by Administrator. | (b) Responsibility for custody, use, and withdrawal of records. |
| (a) Duties generally. | (c) Preservation, arrangement, duplication, exhibition, etc. of records. |
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| | (e) Material accepted for deposit. |

ments facilitating the use of the collections shall have precedence over detailed calendars and textual reproductions. This Commission shall meet at least once a year, and the members shall serve without compensation except repayment of expenses actually incurred in attending meetings of the Commission.

SEC. 6. That there is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody.

SEC. 6a. Whenever any records the use of which is subject to statutory limitations and restrictions are transferred to the custody of the Archivist of the United States, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency having custody of them or to employees of that agency shall thereafter likewise be applicable to the Archivist of the United States and to the employees of the National Archives Establishment respectively.

SEC. 7. The National Archives may also accept, store, and preserve motion-picture films and sound recordings pertaining to and illustrative of historical activities of the United States, and in connection therewith maintain a projecting room for showing such films and reproducing such sound recordings for historical purposes and study.

SEC. 8. That the National Archives shall have an official seal which will be judicially noticed.

The Archivist of the United States may make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and may charge therefor a fee sufficient to cover the cost or expenses thereof. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund created by section 5 of the National Archives Trust Fund Board Act. There shall be no charge for the making or authentication of such copies or reproductions furnished to any department or other agency of the Government for official use. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal

of the National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of the National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.

SEC. 8a. Any official of the United States Government who is authorized to make certifications or determinations on the basis of records in his custody is hereby authorized to make certifications or determinations on the basis of records that have been transferred by him or his predecessors to the custody of the Archivist of the United States.

SEC. 9. That the Archivist shall make to Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the National Archives, the said report including a detailed statement of all accessions and of all receipts and expenditures on account of the said establishment. He shall also transmit to Congress the recommendations of the Commission on National Historical Publications, and, on January 1 of each year, with the approval of the Council, a list or description of the papers, documents, and so forth (among the archives and records of the Government), which appear to have no permanent value or historical interest, and which, with the concurrence of the Government agency concerned, and subject to the approval of Congress, shall be destroyed or otherwise effectively disposed of.

SEC. 10. That there are hereby authorized such appropriations as may be necessary for the maintenance of the National Archives Building and the administration of the collections, the expenses, and work of the Commission on National Historical Publications, the supply of necessary equipment and expenses incidental to the operations aforesaid, including transfer of records to the Archives Building; printing and binding; personal services in the District of Columbia and elsewhere; travel and subsistence and per diem in lieu of subsistence, notwithstanding the provisions of any other Acts; stenographic services by contract or otherwise as may be deemed necessary; purchases and exchange of books and maps; payment in advance when authorized by the Archivist for library memberships in societies whose publications are available to members only or to members at a price lower than to the general public; purchase, exchange, and operation of motor vehicles; and all absolutely necessary contingent expenses, all to be expended under the direction of the Archivist, who shall annually submit to Congress estimates therefor in the manner prescribed by law.

SEC. 11. All Acts or parts of Acts relating to the charge and superintendency, custody, preservation, and disposition of official papers and documents of executive departments and other governmental agencies inconsistent with the provisions of this Act are hereby repealed.

Records Disposal Act, Approved July 7, 1943, as Amended July 6, 1945^a

[57 Stat. 380-383; 59 Stat. 434]

An Act to provide for the disposal of certain records of the United States Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act, the word "records" includes all books, papers, maps, photographs, or other documentary materials,

^a Sections 4, 6, 7, and 12 appear as amended July 6, 1945.

regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business, and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions,

procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in this Act.

SEC. 2. The National Archives Council shall promulgate regulations, not inconsistent with this Act, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government.

SEC. 3. The head of each agency of the United States Government shall submit to the Archivist of the United States, in accordance with regulations promulgated as provided in section 2 of this Act (1) lists of any records in the custody of the agency that have been photographed or microphotographed in accordance with the said regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

SEC. 4. The Archivist shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 3 of this Act, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Archivist shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The Archivist may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant

their further preservation by the United States Government.

SEC. 5. Whenever the Archivist shall submit lists or schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on the Disposition of Executive Papers of the House of Representatives, shall constitute a joint committee to which all such lists or schedules shall be referred, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations.

SEC. 6. If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Archivist shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 2 of this Act: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 4 of this Act shall be permissive and not mandatory.

SEC. 7. If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the agency or agencies having in their custody records covered by such lists or schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in section 2 of this Act.

SEC. 8. Whenever it shall appear to the Archivist that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in section 2 of this Act and without listing or scheduling them.

SEC. 9. Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted pursuant to the provisions of sections 6, 7, and 8 of this Act, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States.

SEC. 10. Whenever the Archivist and the head of the agency that has custody of them shall jointly determine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Archivist are disposed of under this section, the Archivist shall report the disposal thereof to the agency from which they were transferred.

SEC. 11. At any time during the existence of a state of war between the United States and any other nation or when

hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided*, That within six months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Archivist in which he shall describe the character of such records and state when and where the disposal thereof was accomplished.

SEC. 12. The Archivist shall transmit to Congress at the beginning of each regular session reports as to the records authorized for disposal under the provisions of section 7 of this Act and as to the records disposed of under the provisions of sections 10 and 11 of this Act.

SEC. 13. Photographs or microphotographs of any records made in compliance with regulations promulgated as provided in section 2 of this Act shall have the same force

and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

SEC. 14. All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of this Act shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency.

SEC. 15. The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of this Act.

SEC. 16. The Act entitled "An Act to provide for the disposition of certain records of the United States Government", approved August 5, 1939 (53 Stat. 1219), the Act entitled "An Act to provide for the disposition of certain photographed records of the United States Government, and for other purposes", approved September 24, 1940 (54 Stat. 958), and all other Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Resolution Concerning the Transfer of Records to the National Archives, Adopted by the National Archives Council November 9, 1944

Whereas section 3 of the "Act to establish a National Archives of the United States Government and for other purposes" (48 Stat. 1122) provides that "All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and wheresoever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer";

And whereas section 6 of said act creates the National Archives Council and authorizes it to "define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer"; therefore be it

Resolved, That the Archivist of the United States be and he is hereby authorized to requisition for transfer to the National Archives any archives or records in the custody of any agency of the United States Government (legislative, executive, judicial, and other), which fall within any of the following classes, viz:

I. Any archives or records that the head of the agency that has the custody of them may offer for transfer to the National Archives.

II. Any archives or records that have been in existence for more than fifty years unless the head of the agency that has

the custody of them certifies in writing to the Archivist that they must be retained in his custody for use in the conduct of the regular current business of the said agency.

III. Any archives or records of any Federal agency that has gone out of existence unless the head of the agency that has the custody of them certifies in writing to the Archivist that they must be retained in his custody for use in performing transferred functions of the discontinued agency or in liquidating its affairs.

IV. Any other archives or records that the National Archives Council by special resolution may authorize to be transferred to the National Archives.

Resolved further, (1) That when the Archivist shall issue his requisition for any archives or records he shall furnish to a duly authorized representative of the agency that has the custody of them an inventory of the material covered by such requisition; (2) That when, and not until, this inventory shall have been certified to by the signatures of the representatives of said agency and of the Archivist, respectively, and the said archives or records shall have been delivered by the representative of the said agency to the representative of the Archivist either at the depository in which they are stored or at a depository under the control of the Archivist, the said archives or records shall pass into the legal custody of the Archivist of the United States; *Provided*, That records of the Federal Government that are not in the legal custody of any other agency of the Government shall be deemed to be in the legal custody of the Archivist and may be transferred by him to a depository under his control without the formalities of issuing a requisition or delivering an inventory.

Regulations of the National Archives Council, Adopted July 29, 1949

Whereas Sec. 2 of "An Act to provide for the disposal of certain records of the United States Government" approved July 7, 1943, as amended by the Act approved July 6, 1945

(57 Stat. 380-383, 59 Stat. 434; 44 U. S. C. 366-380), requires that the National Archives Council promulgate regulations not inconsistent with the provisions of the said

RECORDS DISPOSITION



**MANAGEMENT STAFF
RECORDS MANAGEMENT DIVISION**

MAY 1955

THE DISPOSITION OF GOVERNMENT PAPERS IS
THE GREATEST MASS PAPER JOB IN HISTORY

OUR PROBLEM....RECORDS....RECORDS....RECORDS

The effective disposition of records in the Agency is extremely important because:

-----they are very large in volume.

-----they accumulate rapidly.



THE SOLUTION: A RECORDS DISPOSITION PROGRAM

WHAT IS RECORDS DISPOSITION?

It is an approved systematic plan to establish effective control over the disposition of official records.

The primary objectives of the program are:

-----to assure the preservation of important policies and decisions

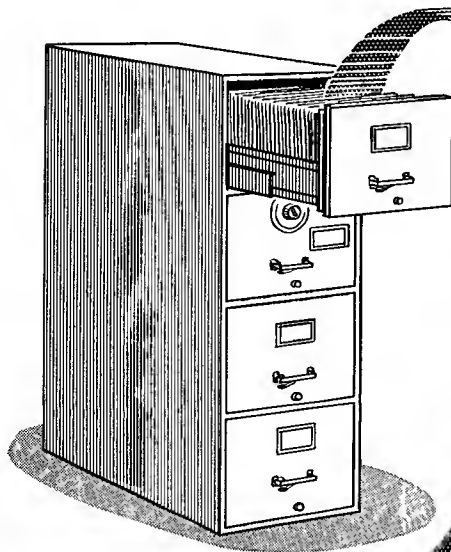
-----to develop uniform schedules for the orderly retirement or disposal of noncurrent and valueless records.

WHAT BENEFITS DOES A RECORDS DISPOSITION PROGRAM OFFER IN THIS AGENCY?

Recent experience in a records disposition survey conducted by the Records Management Staff in one of the major offices of this Agency show, as illustrated, that an office without a records disposition program can expect big initial savings by beginning a comprehensive disposition program-

Total Records Holdings
were 20,174 linear feet

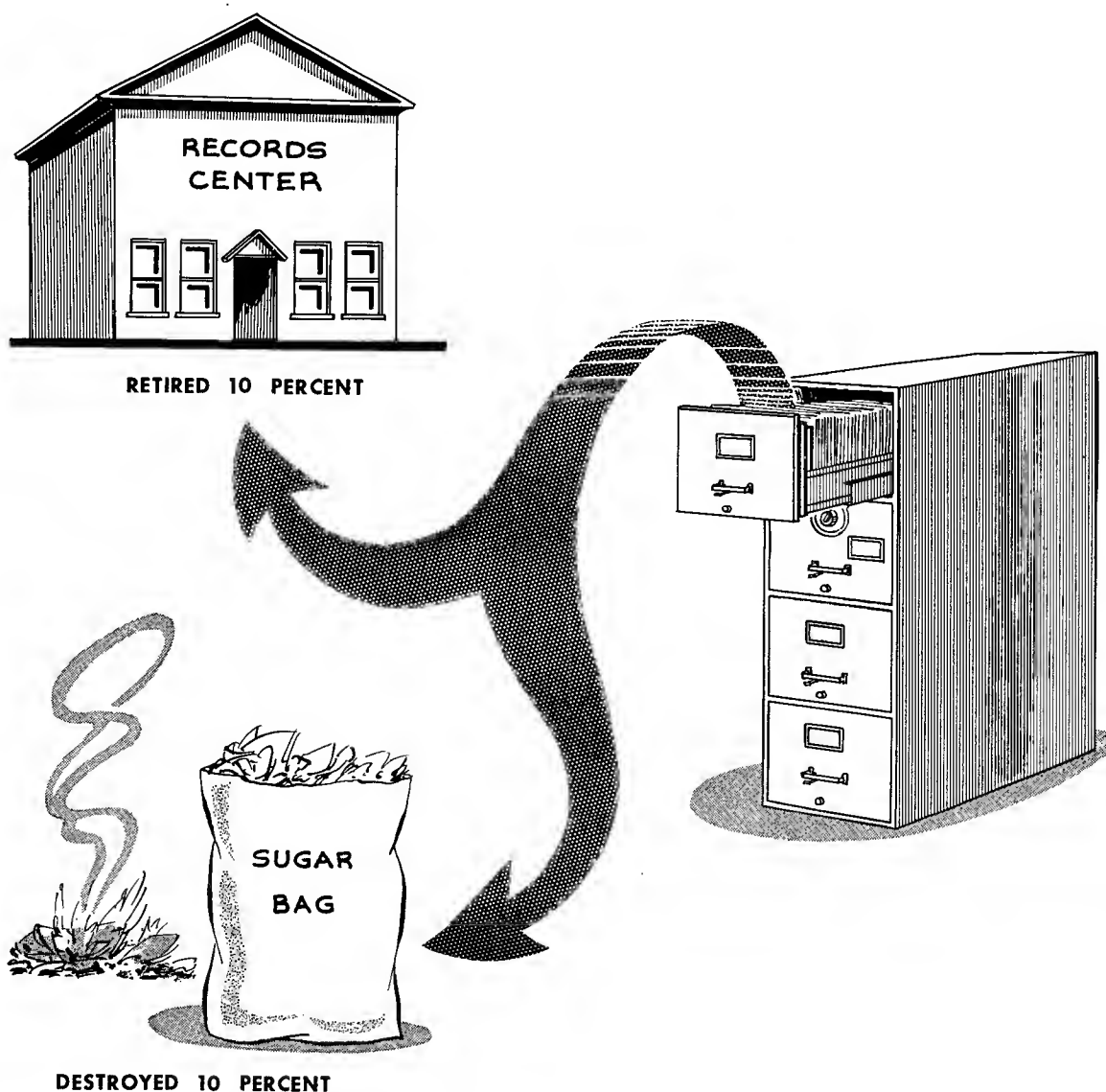
Filing Equipment valued
at \$347,828.00



84% or 16,946 linear
feet were evaluated as
temporary and sched-
uled for destruction

5% or 1,009 linear feet of
records were evaluated as
permanent and scheduled for
eventual transfer to perma-
nent storage

11% or 2,219 linear
feet of library mate-
rial was identified
and scheduled for
eventual return to the
library



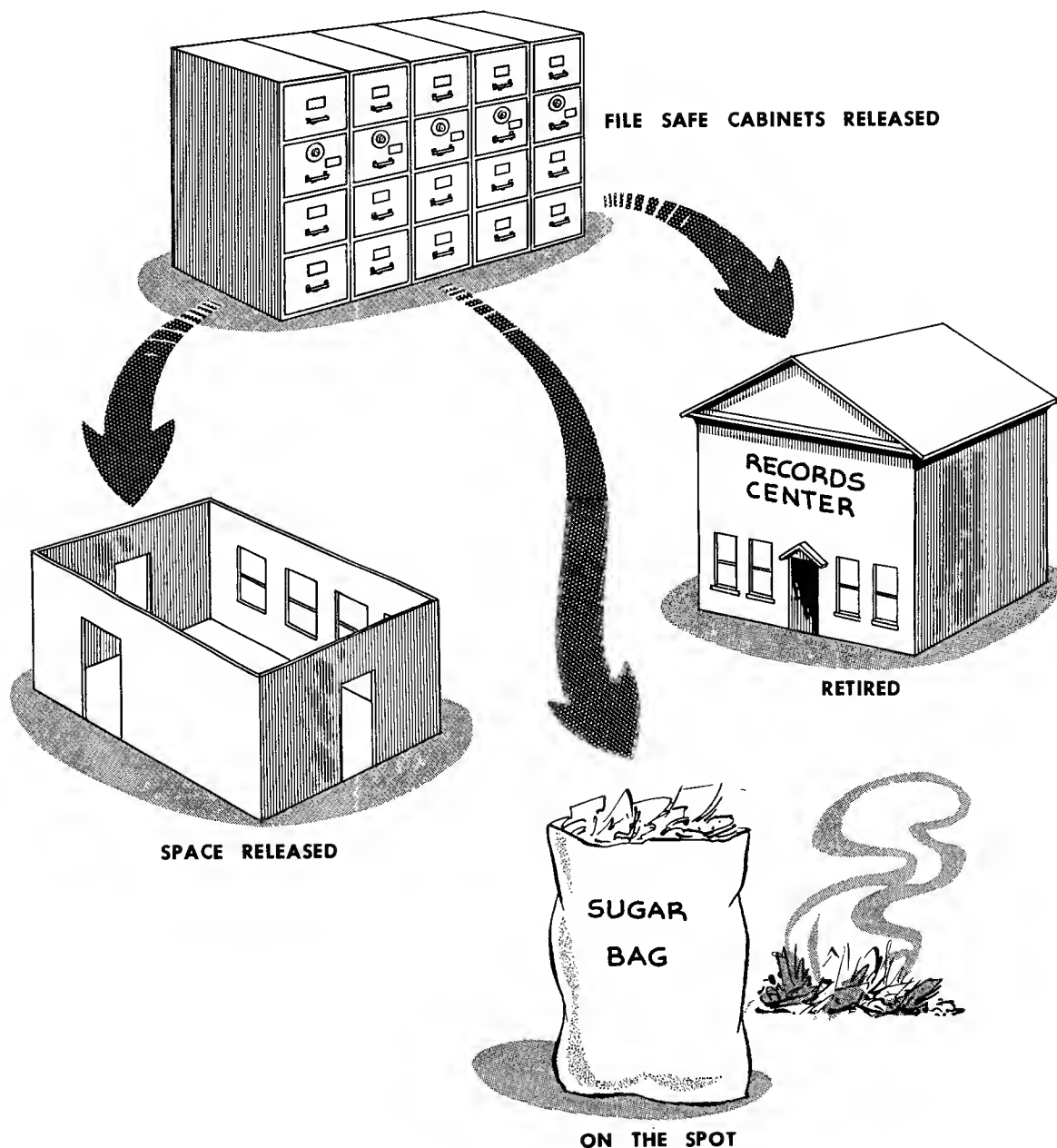
WHAT ARE THE CONTINUING BENEFITS OF A RECORDS DISPOSITION PROGRAM?

If an office continues to maintain an effective records disposition program, it will obtain large savings by:

- destruction of a minimum of 10% of their records annually.
- retirement of a minimum of 10% of their records annually to the Records Center.

THESE BENEFITS CAN BE CONVERTED INTO MONEY SAVINGS

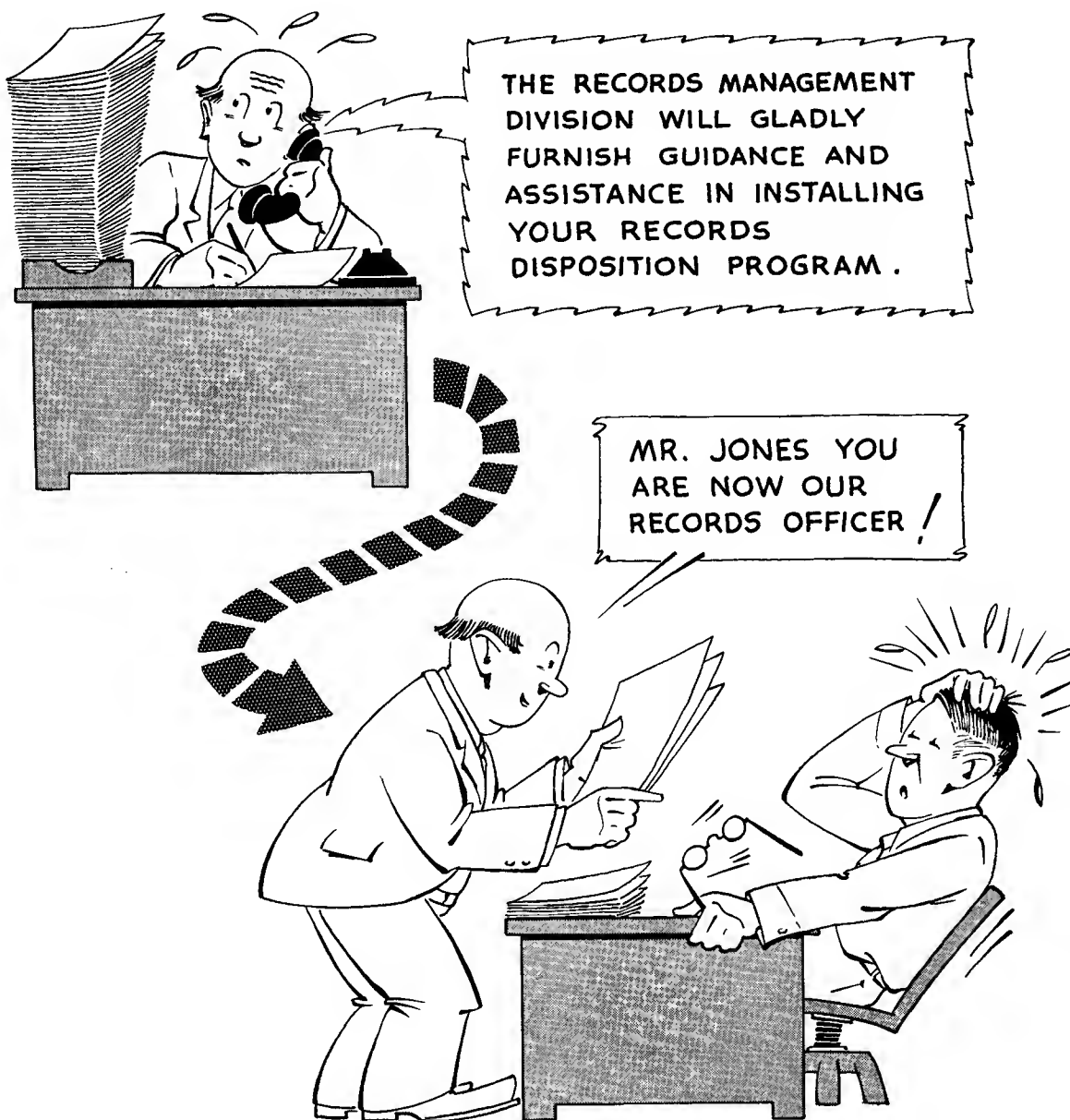
For every cubic foot of records that this Agency can dispose of, on the spot, space and equipment with an estimated replacement value of \$32.10 can be released. For every cubic foot of records that this Agency can transfer to cheap storage, such as the Agency Records Center, there is a net savings of \$30.80 in space and equipment released.



HOW TO INITIATE A RECORDS PROGRAM IN YOUR OFFICE

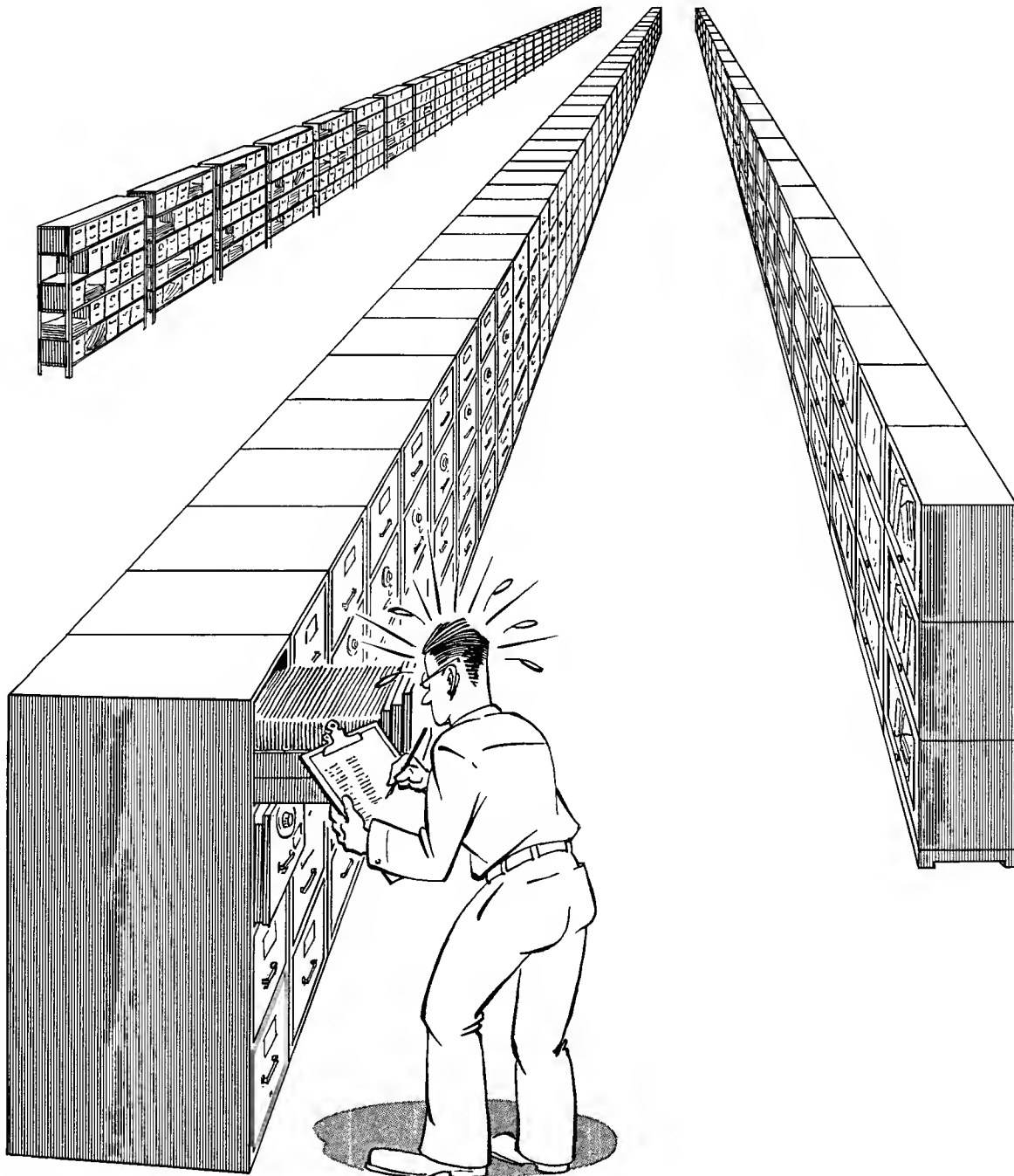
The following illustrations show the major steps to be taken in order to initiate and carry out an effective records disposition program:

I. REQUEST PROGRAM GUIDANCE AND ASSIGN RESPONSIBILITIES



II. INVENTORY ALL RECORDS AND FILES

All material maintained in filing equipment, bookcases and shelvings should be included in the inventory.



III. ANALYZE AND EVALUATE THE INVENTORY

Specific factors are to be considered in evaluating and appraising records for disposition-

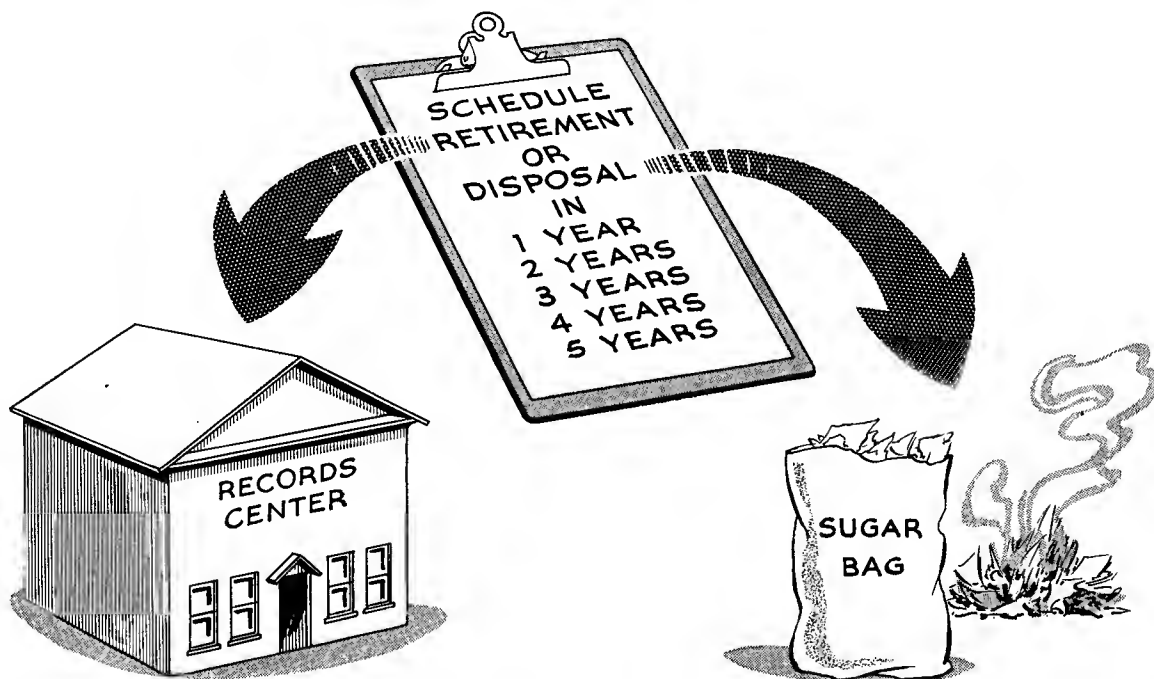


--RECORDS---include documentary materials appropriate for preservation for their evidential or informational value. They reflect the organization, functions, policies, decisions, procedures, operations or other activities of the Agency.

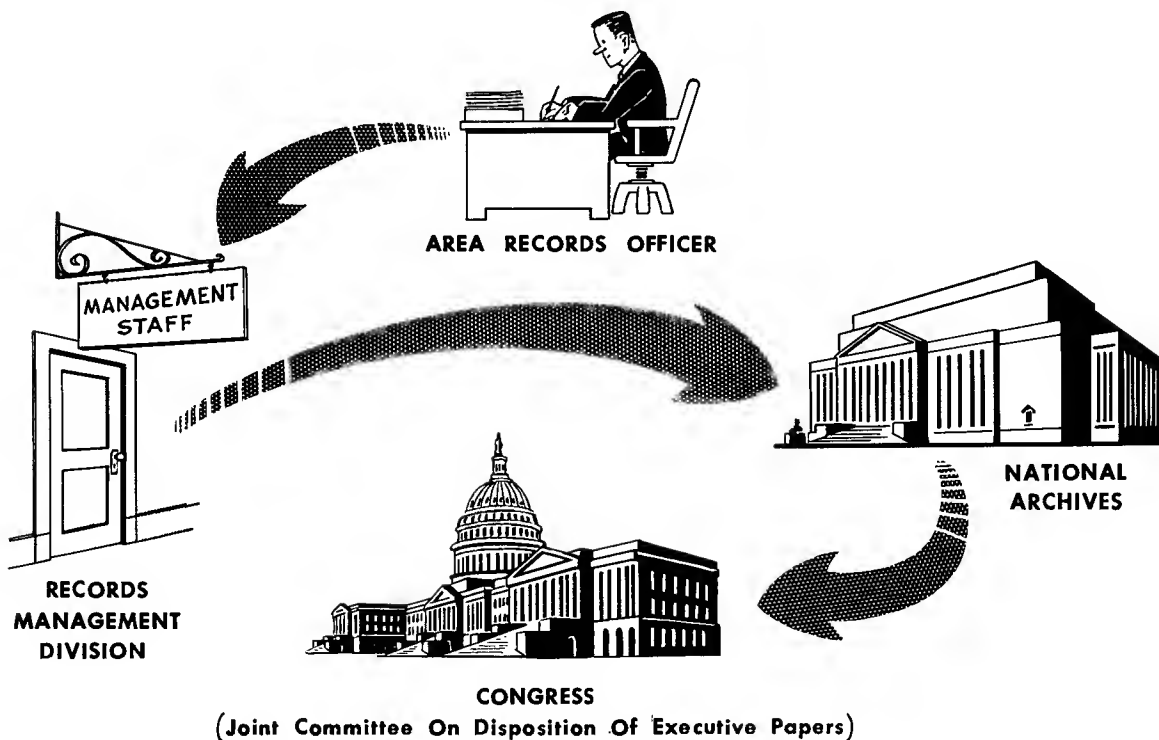
--NONRECORD---materials maintained solely for purposes of reference.

IV. PREPARE RECORD CONTROL SCHEDULES

The schedules are prepared from the survey work sheets after careful analysis of each record series inventoried.



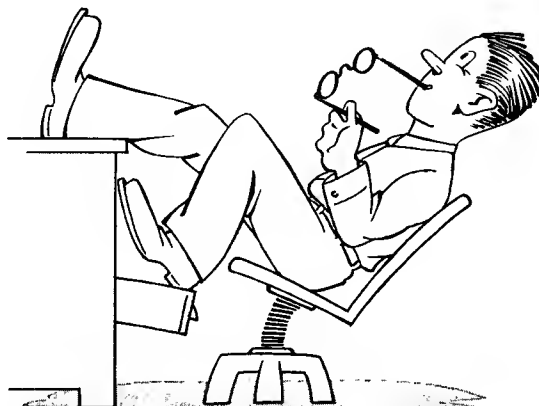
V. SECURE AUTHORITY FOR SCHEDULES



VI. REVIEW RECORD CONTROL SCHEDULES ANNUALLY

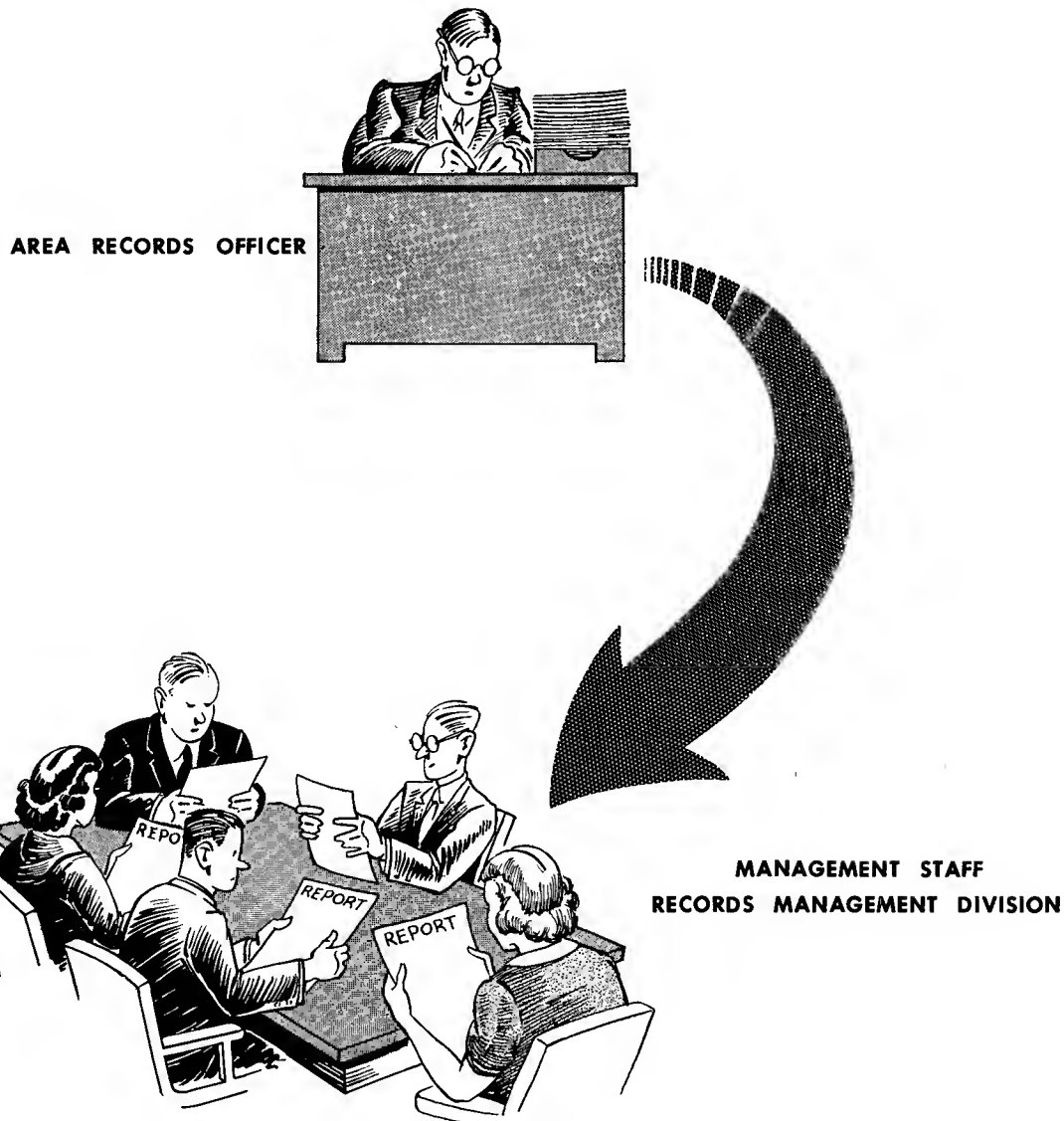
Review the inventory sheets annually to assure that-

- all files have been inventoried
- all files have been scheduled
- the inventory sheets reflect the latest information regarding
- the contents and growth of the files



VII. REPORT PROGRESS OF THE PROGRAM

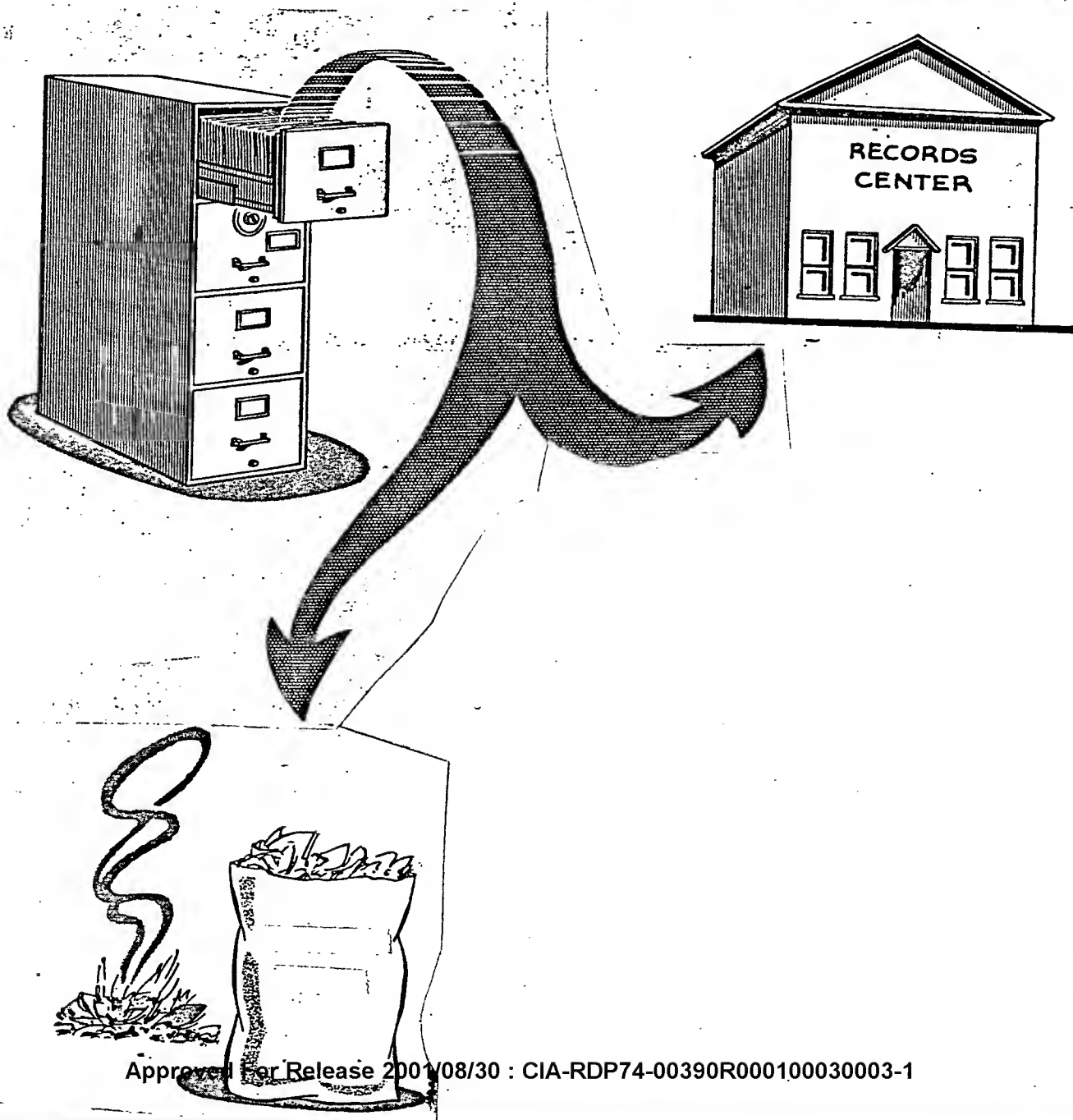
In addition to providing information required by the General Services Administration, the report will be used by the Records Management Division, within the Agency, to measure the results and effectiveness of the program and plan for its improvement.



A STAFF REPRESENTATIVE WILL BE PLEASED TO DISCUSS THE RECORDS DISPOSITION PROGRAM WITH YOU AND ASSIST YOU IN ESTABLISHING YOUR PROGRAM. [REDACTED]

ATINTL

RECORDS DISPOSITION SURVEY AND SCHEDULING



RECORDS DISPOSITION SURVEY AND SCHEDULING

1. Definition - Records disposition is an organized program that provides for the systematic removal of inactive records from office space and their preservation or elimination in accordance with prescribed policies, procedures and legal authorities..
2. Objectives
 - a. The economical and systematic preservation and disposition of records according to Federal statutes and regulations and Agency policies.
 - b. Release office space and filing equipment no longer needed.
3. Method of Accomplishment
 - a. Conduct records disposition survey; obtain background information regarding the organizational structure, functions, and missions, and the flow of work within and between offices concerned.
 - b. Conduct the inventory and record on Form 138, Survey Work Sheet, data needed to determine retention and disposal dates.
 - c. Evaluate records for administrative, legal, fiscal, and historical values.
 - d. Develop records control schedules to provide for the disposition of record and nonrecord material by either permanent preservation, microfilming, destruction, or transfer to Archives and Records Center.
 - e. Obtain approval of schedules from operating officials and the Agency Records Administration Staff.
 - f. Maintain records control schedules up to date to reflect changes in organization.

- g. Conduct periodic follow-up to insure that the disposition of records is being effected in accordance with schedules.
- h. Distribute records control schedules to operating offices.

4. Procedure

- a. Conduct records disposition survey:
 - 1. obtain background information regarding organizational structure, functions, and missions.
 - a. Agency Regulations & Notices
 - b. office Regulations or Instructions and Notices.
 - c. Organization charts
 - d. Previous Studies
 - e. Discuss the records with the operating officials.
 - 2. Secure procedures for information regarding the flow of work within and between offices concerned.
- b. Conduct the inventory and record on Form 138, Survey Work Sheet, data needed to determine retention and disposal dates.
 - 1. Date: The date the inventory or survey is made.
 - 2. Directorate, Office, Division, Branch, and Section maintaining the files.
 - 3. Location of Files: Room number and Building.
 - 4. Name of File: Use title shown on Records Control Schedule.
If not schedules, be descriptive in naming the file being reviewed.
 - 5. Custodian: Enter name of person responsible for the files.
 - 6. Description: Enter Records Schedule and item number. If new or non-scheduled series give description of type and use of records in the file.

7. Arrangement of Records Series: Alphabetic by subject, numerical by case number, chronological, etc.
 8. Dates: Enter years only of oldest and most recent documents in the file.
 9. Size: Check appropriate box and enter linear feet of records. (See table to convert linear to cubic feet of various records.) (Measurements should be as simple as possible; figures rounded to the nearest half-foot are adequate.)
 10. Equipment: Check appropriate box or enter under Other and describe in Remarks.
 11. Remarks: Use for safe numbers, details about equipment, or other notes and explanatory information.
- c. Evaluate records for Administrative, legal, fiscal, and historical values. In evaluating records one of the first things we want to do is to become familiar with the General Services Administration's General schedules. There are twenty (20) of these schedules and they cover a large segment of records. These schedules describe the records and show the authorized disposition authority.
- a. Four Bases for Evaluating Records
- What is the worth of a particular file or a group of records:
How do we evaluate them.
- In evaluating records you are placing them on a scale of future use. The weights on the scale represent the four types of conceivable values which records may have--legal value, which may involve long or short term rights of the Government or of private citizens, enforceable by the courts; administrative value, which involves program use to the agency in carrying on

the public business; historical value, which means the permanent records that will be needed in reconstructing the story of the agency-- its inception, programs, problems, and accomplishments, or that may contain other unique and valuable information; and finally fiscal value, involving recording the financial transactions of an agency, documenting its receipts, expenditures, and relationships with the General Accounting Office, Office of Management and Budget and the Treasury Department.

Not one of these potential values stands by itself. A record may possess more than one of them simultaneously. A contract file, for example, may be not only of legal value but may also have historical value; or, a file of administrative value to the agency which created it may also be of historical value, although this may not be evident while it is in use by the agency.

ADMINISTRATIVE VALUE

A record's administrative value is simply its value in carrying on the activities of the agency or the Government as a whole. Those pertaining to uncompleted actions are of administrative value to the agency, since the loss of them would impede the carrying on of its activities. Those of completed actions, on the other hand, may lose quickly their administrative value to the agency.

The period of time during which a record retains this value may be long or short, depending on the purpose it serves. Certain records, such as directives, orders, regulations, and legal opinions, have long term administrative value because they continue to prescribe and affect the activities of the agency.

The bulk of the records at the operating level have short term value because they are (a) either duplicated or adequately summarized in records retained by top management or other operating level records, or (b) controls on pending actions which are maintained only for operating convenience.

- (a) Records that are duplicated or summarized. Directive files retained among the top management records are usually duplicated in all offices and at all levels while they are needed administratively. When the appraiser knows a record set is maintained permanently, the other office sets should be retained only so long as they are actually used by the individual units.

Similar duplication is frequently found in correspondence, memoranda, and other papers where copies of the same documents are kept at different levels.

Copies of the same reports are frequently in a number of separate files; and when they are published or processed, there may be any number of sets of them. This is true of many scientific reports prepared by the Agency. Here again, after they are no longer of current administrative use a record copy in one designated place is usually enough for the agency.

FISCAL VALUE

Some records have a monetary value--that is, fiscal. They may be budget records, showing how expenditures were planned. They may be voucher of expenditure files of several kinds, documenting the purposes for which agency funds were spent; or they may be accounting records,

created by the agency to make sure its accounts balance, and that it is not spending beyond its appropriated limits.

Fiscal value of a record is really a type of administrative value. But it is so surrounded by special considerations that we will take it up separately. For one thing, the form and content of many of these fiscal records are prescribed by the various staff agencies involved, Bureau of the Budget, General Accounting Office, Treasury Department, General Services Administration, and others. In most instances, only the data on the forms differ from agency to agency.

Since the records look the same everywhere, and are largely created in accordance with the same staff agency directives, their worth, we have discovered, can be determined "across the board". That is, a voucher file in one agency normally should have the same values as a voucher file in another agency. In view of the sameness of value from agency to agency, GSA decided to step in and help agencies make decisions as to the values of their fiscal records. In fact, it has given the agencies, for their use if they wish to do so, tailor-made evaluations of their fiscal records, as well as of other types of administrative records. This GSA has done through the General Records Schedules. By using these schedules, agencies have at once been able to evaluate and properly schedule their fiscal records without a great deal of individual effort.

LEGAL VALUE

Records may have legal values to the Federal Government or to individual citizens, corporations, or even State and other Governments. As in the case of administrative values, the duration of the period during

which this legal value exists varies with the kind of right or legal point that is involved. There are enduring legal values to the Government in laws and regulations and interpretations of them. Similarly, for the Government as well as others there are legal values to records establishing title to real estate and defining recapture rights or reservations set forth in land titles. On the other hand, the legal values to the Government of contracts and claims records diminish to the vanishing point very rapidly after final settlement of the contract or claim, and cease upon expiration of pertinent statutes of limitations.

Of legal value primarily to individuals are records of naturalization proceedings, of service in the armed forces, and similar records that retain their values throughout the life span of more than one generation. On the other hand, the legal value to individuals of patent records and many court decisions ceases to exist after the patent has expired or the court's order has been carried out. Often, of course, the legal values to the Federal Government and to the individual will expire simultaneously, as in the case of records relating to contracts and to claims by or against the Government.

In order to determine the legal value of a record, a certain amount of pertinent research must be done in the Federal statutes, in agency regulations, and in other provisions which have legal force and effect. Sometimes such research can be done by agency legal personnel, but regardless of who does it, it must be done! Evidence of entitlement to pension and old age and retirement, e.g., must obviously

be considered to have long time legal value, although here the legal value is important for the fiscal value subordinate to it. Other records with long time legal value are military service records, Selective Service registration and classification records, naturalization papers, copies of population census schedules, merchant marine service records, birth and death certificates (in the relatively few cases in which they are created by the Federal Government), homestead entry papers, and records pertaining to Indian rights. On the other hand, the average contract file ceases to have much legal value after the payments under it have been completed and audited by the General Accounting Office.

Many of the records needed to protect the rights of the Government, the agency, or the public fall within the housekeeping class and have a definite life span. Many program records likewise are needed only temporarily to protect Government or public rights. Statutes of limitations on claims, completion of audit, possibility of reopening of cases, and usefulness of the records for investigative or other purposes must be taken into account in establishing the time such records need to be retained. Where research values are present sampling or selective retention is frequently considered by the National Archives to be more desirable than retention of the mass.

HISTORICAL VALUE

Historical values result from the fact that the records tell a story or present a picture and can be used to reconstruct the activities of the agency, to obtain information accumulated by the agency in order to make studies of the past, or to furnish data on which to base new findings or conclusions.

To reconstruct the activities of the agency: The National Archives, which makes the final determination as to records having continuing research value, has consistently earmarked for retention those files which will enable a scholar or future administrator to reconstruct the history of the activities of the agency. Although agencies normally describe their accomplishments in published annual or other periodic reports, these are often so brief that they fail to give the complete story. Or they may consciously or unconsciously distort the picture by emphasis on some activities and omission of others. Records showing how the work of the agency was planned, directed, and carried out are usually needed to supplement or correct the bare outlines given in publications. These records, which give the history of the activities and functions of an agency, are needed by the agency itself to understand its own background, often by other agencies or the Congress, and finally by scholars and students of the future. They form a part of the archives of the nation which are essential to an understanding of our national development.

- b. To obtain information for studies of the past: All agencies accumulate information necessary to carry on their functions. Much of this may be of long time research value for purposes completely different from those for which it was collected. Pension records created in administering early pension laws are kept for their research values.
- c. To furnish data on which to base new findings: Records may be used to provide data for new findings and conclusions. Especially true of technical data which was assembled in the course of research of specialized scientific and other fields.

- d. Develop records control schedules to provide for the disposition of record and non-record material by either permanent preservation, destruction within office area, transfer to other component, transfer to the Agency Records Center, or transfer to the Agency Archives.

Instructions For Preparing Form No. 139 "Records Control Schedule"

- (1) Schedule No. A number will be assigned by the Records Administrative Branch upon approval of the Schedule.
- (2) Office, Division, Branch. Enter the specific organizational element to which the schedule pertains, such as, Office of Public Service, Special Services Division, Personnel Branch.
- (3) Concurrence. The signature and title of the Chief of the organizational element will be obtained after the schedule has been prepared and reviewed. The signature will be entered in the first page of that portion of the schedule covering the records for which he is responsible. When all signatures have been obtained the schedule should then be submitted to the Head of the Office or his designate for review and concurrence. His signature will be entered on the first page of the schedule which will indicate not only his approval for his immediate office or staff but for the entire schedule.
- (4) Item Number. Beginning with item number one, list and number each series, starting with the records of the Office Chief and continue consecutively through each organizational unit of the Office. The use of sub-item numbers is permissible when

subordinate file series are component parts of an overall file.

- (5) File Identification. The precise description of each series of records will be entered in this column. This descriptive data requires the utmost care in its preparation. In general, this data must be sufficient to accurately identify the records and enable a determination of propriety of the disposition prescribed for them. Specifically, each file identification will consist of five elements, namely: The title or name of the file; description of documents of which the file consists; a brief statement of the specific function or operation incident to which the files are maintained; a statement concerning the filing arrangement; and inclusive dates to the file.
- (6) Volume. Enter the volume in terms of cubic feet for each file series. Fractions of cubic feet will be expressed in tenths by use of the decimal point, e.g., 1.5, 20.3, etc. The volume for a file series measuring less than one-tenth foot will be entered as .1.
- (7) Disposition Instructions. Entries in this column will be made only after careful appraisal and evaluation of the records series. The column will consist of four elements and will be entered in the order given.
 - (a) Preface each instruction with the word "Permanent" or "Temporary" whichever is applicable.
 - (b) The second element consists of the phrase "Disposal not authorized" if the records are of permanent value.

Records of temporary value will cite a disposal standard, e.g., "Destroy after 3 years," "Destroy 2 years after audit," "Destroy upon separation of employee," etc.

- (c) By application of cut-off procedures give complete instructions for the cut-off and retirement and/or destruction of the files. These instructions may be indicated as "Cut-off at end of each calendar year; hold for one year then transfer to the Records Center," "Place in noncurrent file upon liquidation of obligation; hold for one fiscal year then transfer to the Records Center."

- (d) To comply with the provisions of E.O. 11652 all documents must be reviewed for declassification before 30 years when they will be automatically declassified in accordance with that Executive Order. The following may be added to the disposition instructions for all items that are to be retained beyond 30 years:

"To be reviewed for declassification 29 years from date of document except those documents not exempt under E.O. 11652 will be reviewed earlier under the provisions of that Order."

- (e) To provide for the flow of records from the Records Center to the Agency Archives include the following statement in the dispositions instructions for those records having permanent value:

"Permanent. Disposal not authorized. Cut off files at the end of each year (____ years); retain for _____ years then transfer to the Records Center to be held for _____ years then transferred to the Agency Archives."

(f) Whenever possible, cite the disposal authority after the disposition instruction. This may be obtained from the General Records Schedules or from special authorities previously obtained from National Archives and Records Service.

(8) Obtain concurrences of the person responsible for the branch, division, or office whose records are covered. See attachment B(1) for sample of a Records Control Schedule.

e. After all concurrences have been received within the office the Records Management Officer must develop a Records Disposition authority concurrence cover sheet showing preparation by: (component) Records Management Officer; concurrence by: (Directorate) Records Management Officer; Reviewed by: Records Administration Branch; Approved by: (Agency) Records Administration Officer; and then the date of approval. See attachment B for sample.

At any time during the coordinating it is possible any part of the schedule may have to be justified or changed.

Send original and 1 copy forward to RAB through D/RMO.

f. Distribution of the Records Control Schedule after approval.

Original - RAB	1 copy - RMO
1 copy - D/RMO	1 copy - Operating offices
1 copy - Records Center	
1 copy - Archives	

- g. Maintain records control schedules up to date to reflect changes in organization. In addition to the overall revision of a whole schedule, one item may be added, deleted or changed by memo or by typing or retyping a page of the schedule. If in doubt call the Directorate Records Management Officer.
- h. Conduct periodic follow-up to ensure that the disposition of records is being effected in accordance with schedules.

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RECORDS SURVEY WORK SHEET		DATE (1)
OFFICE, DIVISION, BRANCH, SECTION (2)		LOCATION (3)
NAME OF FILE (4)	CUSTODIAN (5)	
DESCRIPTION (Function of files, value, frequency of use, form numbers and titles, and other descriptive data.) (6)		
<u>I-N-S-T-R-U-C-T-I-O-N-S</u>		
<ol style="list-style-type: none"> 1. Date: The date the inventory or survey is made. 2. Directorate, Office, Division, Branch, and Section maintaining the files. 3. Location of Files: Room number and Building. 4. Name of File: Use title shown or Records Control Schedule. If not scheduled, be descriptive in naming the file being reviewed. 5. Custodian: Enter name of person responsible for the files. 6. Description: Enter Records Schedule and item number. If new or non-scheduled series give description of type and use of records in the file. 7. Arrangement of Records Series: Alphabetic by subject, numerical by case number, chronological, etc. 8. Dates: Enter years only of oldest and most recent documents in the file. 9. Size: Check appropriate box and enter linear feet of records. (See table to convert linear to cubic feet of various records.) (Measurements should be as simple as possible; figures rounded to the nearest half-foot are adequate.) 10. Equipment: Check appropriate box or enter under Other and describe in Remarks. 11. Remarks: Use for safe numbers, details about equipment, or other notes and explanatory information. 		

FILING ARRANGEMENT (7)		INCLUSIVE DATES (8)	
SIZE OF RECORDS (9)	LEGAL 3" X 5"	LETTER 5" X 8"	OTHER (Specify)
EQUIPMENT OCCUPIED BY RECORDS (10)	SAFE LEGAL	CABINET LETTER	OTHER (Specify)
			LINEAR FEET
			NO. OF DRAWERS

REMARKS

(11)

CONVERSION TABLE ONE CUBIC FOOT EQUALS

10 LIN FT	3 x 5 CARDS
6 LIN FT	4 x 6 AND TAB CARDS
4 LIN FT	5 x 8 CARDS
1 LIN FT	LETTER OR LEGAL FILES
1/2 DRAWER	MAP CABINET
7 REELS (Computer)	MAGNETIC TAPES
20 REELS (Audio)	MAGNETIC TAPES
2 DISC PACKS	MAGNETIC DISCS
54 REELS	MICROFILM 16mm
72 REELS	MICROFILM 35mm
	NTST 5" TAPES

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Attachment B

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S A M P L E

RECORDS DISPOSITION AUTHORITY

In accordance with Federal Statutes and
Records Disposition Authorizations granted by
the U. S. Congress the attached Records Control
Schedule # 00-00 for the Office of _____
is approved and implementation of the disposition
instructions contained therein is authorized.

Preparation:

Review:

(Component) Records Officer

Records Administration Branch

CONCURRENCE:

APPROVED:

(Directorate) Records Management Officer

(Agency) Records Administration Officer

Date

Approved For Release 2001/08/30 : CIA-RDP74-00390R000100030003-1
 RECORDS CONTROL SCHEDULE

SCHEDULE NO.
 90R000100030003-1

CONCURRENCE

OFFICE, DIVISION, BRANCH

SIGNATURE

Office of XXX, Services Division

TITLE

Chief, SD/XXX

DATE

10 October 1973

ITEM
 NO.

FILES IDENTIFICATION
 (TITLE, DESCRIPTION, ARRANGEMENT, AND INCLUSIVE DATES)

VOLUME
 (CUBIC FT.)

DISPOSITION INSTRUCTIONS

1

DIVISION SUBJECT FILES

These are the correspondence and report files of the division responsible for reproduction, printing, and distribution matters. The files accumulate in the general administration of daily activities. Included are documents relating to personnel, training, workloads, production, security, and other related subjects. The official files are maintained in the Administration Branch. Filed according to Agency Subject Filing System. 1972-to date.

2.5

Temporary. Destroy after 2 years. Cut off at end of each calendar year; transfer to the Records Center 1 year thereafter. (GRS 13-2)

2.

REPRODUCTION REQUISITION FILE

a. Reproduction requisition (pink copy), Work Ticket, work order, delivery ticket, control card, and related documents accumulated in the course of processing and controlling a job until completed. Filed by job number. (Current)

5.0

Temporary. Destroy after 1 year. Cut off at end of each fiscal year, retain for one year then destroy. (GRS 13-3a)

b. Suspense copies of requisitions.

.1

Temporary. Destroy when jobs completed. (non record)

3.

REFERENCE PUBLICATIONS

Copies of Agency publications, commercial brochures, catalogues, and publications of other Government agencies collected and maintained for reference purposes. Included are Agency Regulations, Agency Handbooks, [REDACTED] trade journals, magazines, etc. Filed categorically by source

7.2

Temporary. Screen periodically and destroy when superseded or no longer needed for reference purposes. (non record)

ITEM NO.	FILES IDENTIFICATION	VOLUME	DISPOSITION INSTRUCTIONS
4	COMMUNICATION CONTROL RECORDS		
	They reflect the receipt, internal routing and disposition of communications handled by the Office.		
	<ul style="list-style-type: none"> a. Signed Document Receipts returned by recipients for complete material. (Current) b. Courier Receipts Office copy of courier receipts. c. Secret and Below Logs Used to record communications received and dispatched by the office. d. Top Secret Logs Logs maintained to indicate accountability for Top Secret documents within the office 	<ul style="list-style-type: none"> .2 .3 .5 .1 	<ul style="list-style-type: none"> Temporary. Destroy after 2 years. Cut off at end of each calendar year, hold for two years then destroy. (GRS-18-3) Temporary. Destroy after 3 months (non record) Temporary. Destroy after 1 year. Cut off at end of each calendar year, retain for one year then destroy. (GRS-12-6a) Temporary. Destroy 10 years after documents have been transferred, destroyed or downgraded. (GRS-18-6)
5.	COMMITTEE FILES		
	These files contain material relating to various Agency or Inter-Agency committees such as the XYZ committee for which this office provides the chairman and the secretariat.		
	<ul style="list-style-type: none"> a. The correspondence, memoranda, minutes, agenda, reports, and project material reflecting activities of the committee. Files are maintained by the secretariat and filed by subject and chronologically. b. Committee members files used as working copies and for general reference. Files maintained by individual members. 	<ul style="list-style-type: none"> 11.0 5.0 	<ul style="list-style-type: none"> Permanent. Disposal not authorized. Cut off at end of each calendar year; retain in current files area for one year then transfer to the Records Center. (GRS 19-2a) Temporary. Destroy when obsolete or no longer needed for reference purposes. (GRS 19-2b)

GLOSSARY OF RECORDS DISPOSITION TERMS

Administrative Value	A value of records to the agency that created them in carrying on its business.
Archives	The permanently valuable records created or received by a governmental body for its official purposes and made a part of its official documentation.
Disposal	Removal of records by destruction or transfer.
Disposal List	A document authorizing the disposal of a group of records no longer needed. This is a one-time authorization and permits disposal only of the precise records described.
File Break	A cut-off point in a file, usually based on a calendar or fiscal year date. Such breaks are often made to coincide with scheduled periods for destruction or transfer to a records center.
File Copy	A copy of a document in an official agency file.
Fiscal Value	A value of records for fiscal purposes, such as for financial collection, disbursement, budgeting, accounting, and related activities.
General Records Schedules	Schedules issued by the General Services Administration covering records common to several or all agencies. Included in such records are the so-called "housekeeping" records.
Historical Value	A value of records for historical and similar research purposes.
Housekeeping or Administrative Records	Records pertaining to the running of an agency such as those relating to personnel, fiscal, and supply functions.
Legal Value	A value of records for legal purposes and pertaining to the rights and obligations of the Government and of individuals.
Non-record Material	Papers or published materials which are not recognized by the agency as records as defined by the Records Disposal Act of 1943.

Permanent Records	Records considered to be so valuable or unique in documenting the history of an agency or for other reasons that they are to be preserved as part of the Agency Archives for possible later transfer to the National Archives.
Program Records	Records pertaining to activities or functions peculiar to an individual office or agency.
Reading File	An extra copy file of outgoing correspondence, usually arranged chronologically. Also called "day file."
Record Copy	That copy of a document which is regarded by the agency as the most important or the key official copy.
Records Control Schedule	A document listing all files of an agency, office, or function; showing the records to be retained and those to be destroyed; and providing when the various files should be transferred from office to center-type space. The schedule provides for periodic transfer and disposal and may be used repeatedly.
Records Disposition	That area of records management concerned with planning the future of the records. Decisions are made as to whether the records should be retained permanently or for limited periods of time and when they should be moved from office to center-type space. These decisions are recorded in the Records Control Schedule.
Retention Period	The stated period a record should be kept.
Schedule	A listing of records that have accumulated in an agency or that may in future accumulate, together with instructions as to their retention or eventual destruction. A schedule provides for periodic disposal and may be used repeatedly.
Screening	A procedure by which selected disposable papers are physically separated from papers which are to be retained for a longer period or permanently.
Temporary Records	Records which are disposable as valueless after stated periods of time.

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**STATUTES APPLICABLE
TO THE
MANAGEMENT AND PROTECTION
OF
FEDERAL RECORDS**

Prepared by:

Records Management and Distribution Branch
Administrative Service Office
Central Intelligence Agency
March, 1952

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- 1 - Security Information

Records created or received by the Central Intelligence Agency in pursuance of the National Security Act of 1947 (Public Law 253 - 80th Congress) as amended by the Central Intelligence Agency Act of 1949 (Public Law 110 - 81st Congress), or in connection with the transaction of public business, are the property of the United States Government. In determining the degree of propriety, as well as the creation, maintenance, protection, preservation and disposal of these records, the following references shall be considered:

1. The National Security Act of 1947 as amended by the Central Intelligence Agency Act of 1949.
2. The Federal Property and Administrative Services Act of 1949 (Public Law 152 - 81st Congress)
3. The Federal Records Act of 1950 (Title 5, Public Law 754) ✓
4. U.S. Code
5. Federal Reports Act (Public Law 831)
6. Administrative Procedure Act (Public Law 404)
7. The Records Disposal Act, Approved July 7, 1943 (57 Stat. 380, 44 USC 366), as amended July 6, 1945 (59 Stat. 434)
8. Bureau of the Budget Bulletin 51-14, dated May 22, 1951
 - a. As implemented by the Central Intelligence Agency.
9. General Services Administration Regulations
10. Records Program in the Central Intelligence Agency

✓ * The National Security Act of 1947 as amended by the Central Intelligence Agency Act of 1949 *

"Sec. 7. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102 (d) (3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 28, 1935 (49 Stat. 956, 957; 5 U.S.C. 654), and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency:

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Provided, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 607, title VI, chapter 212 of the Act of June 30, 1945, as amended (5 U.S.C. 947 (b))."

* The Federal Property and Administrative Services Act of 1949 *

This law transferred the National Archives establishment and its function to the General Services Administration. In addition, the Administrator of G.S.A. was authorized to survey Federal records to determine the efficiency of operations and for other reasons.

"Sec. 104. (a) The National Archives Establishment and its functions, records, property, personnel, obligations, and commitments are hereby transferred to the General Services Administration. There are transferred to the Administrator (1) the functions of the Archivist of the United States, except that the Archivist shall continue to be a member or chairman, as the case may be, of the bodies referred to in subsection (b) of this section, and (2) the functions of the Director of the Division of the Federal Register of the National Archives Establishment. The Archivist of the United States shall hereafter be appointed by the Administrator.

"(b) There are also transferred to the General Services Administration the following bodies, together with their respective functions and such funds as are derived from Federal sources: (1) The National Archives Council and the National Historical Publications Commission, established by the Act of June 19, 1934 (48 Stat. 1122), (2) the National Archives Trust Fund Board, established by the Act of July 9, 1941 (55 Stat. 581), (3) the Board of Trustees of the Franklin D. Roosevelt Library, established by the Joint Resolution of July 18, 1939 (53 Stat. 1062), and (4) the Administrative Committee established by section 6 of the Act of July 26, 1935 (49 Stat. 501), which shall hereafter be known as the Administrative Committee of the Federal Register. The authority of the Administrator under section 106 hereof shall not extend to the bodies or functions affected by this subsection.

"(c) The Administrator is authorized (1) to make surveys of Government records and records management and disposal practices and obtain reports thereon from Federal agencies; (2) to promote, in cooperation with the executive agencies, improved records management practices and controls in such agencies, including the central storage or disposition of records not needed by such agencies for their current use; and (3) to report to the Congress and the Director of the Bureau of the Budget from time to time the results of such activities."

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* The Federal Records Act of 1950 *

-RESPONSIBILITY FOR THE MANAGEMENT OF RECORDS-

Under the Federal Records Law specific responsibility for the management of records is vested in the Administrator of the General Services Administration and the Head of each Federal Agency.

-RESPONSIBILITY OF ADMINISTRATOR OF G.S.A.-

"Sec. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys; Provided, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

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"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress."

* * *

"Sec. 507 (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized -

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations; Provided, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: Provided, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: Provided further, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): Provided, however, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator

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by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: And provided further, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any). "

* * *

"Sec. 508 (a) The Administrator is hereby authorized, whenever he deems it necessary, to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress."

-RESPONSIBILITY OF AGENCY HEADS-

"Sec. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities. *Read*

"(b) The head of each Federal agency shall establish and maintain an active continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

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"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380 - 383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office."

* The U.S. Code *

The U.S. Code quotes certain basic regulations and penalties with respect to the maintenance and protection of records in all Federal agencies. Title 5, Section 22 states:

"Sec. 22. Departmental regulations. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. (R.S. Sec. 161)."

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Pertinent decisions based on this Section are as follows:

"Implied power of head of department. - The head of a government department does not have to show statutory authority for everything he does, reasonable latitude in the exercise of discretion being implied. (1924) 34 Op. Atty. Gen. 320."

"Power considered administrative. - The power conferred by this section is administrative and not legislative. U.S. v. George (Neb. 1913) 228 U.S. 14, 33 S. Ct. 412, 57 L. Ed. 712."

"Implied legislative ratification. - When Congress permits the orders of an executive department to be formulated as regulations, and published, and carried into effect, the legislative ratification must be implied. Maddox v. U.S. (1885) 20 Ct. Cl. 193, 197."

"Effect as to third persons. - No authority is created by this section which enables the heads of departments to make rules for the conduct of persons not connected with the departments, but such regulations, when made, are exclusively for the government of the department, and the conduct of its officers, and the preservation of the papers and property belonging to the department. (1883) 17 Op. Atty. Gen. 524."

"Adoption of regulations; usage. - Usages have been established in every part of the government, which have become a kind of common law, and regulate the rights and duties of those who act within their respective limits. U.S. v. Macdaniel (Dist. Col. 1833) 7 Pet. 1, 14, 8 L. Ed. 587. See Benson v. Henkel (N.Y. 1905) 25 S. Ct. 569, 571, 198 U.S. 1, 49 L. Ed. 919.

"The regulations mentioned in this section need not be promulgated in any set form, nor in writing, but may consist of established usages, and practices which have become a kind of common law of the department. Haze v. Henkel (N.Y. 1910) 216 U.S. 462, 30 S. Ct. 249, 54 L. Ed. 569. See also International Ry Co. v. Davidson (C.C.A. N.Y. 1921) 273 F. 153, affirming (D.C. 1920) 271 F. 313, and reversed on other grounds (1922) 42 S. Ct. 179, 257 U.S. 506, 66 L. Ed. 341.

"The requirement by the department under whose authority an officer is acting, such as will make his action official, need not be prescribed by written rule or regulation. It may also be found in an established usage which constitutes the common law of the department, and fixes the duties of those engaged in its activities. In numerous instances, duties not completely defined by written rules are clearly established by settled practice. U.S. v. Birdsall (Iowa, 1914) 34 S. Ct. 512, 514, 233 U.S. 223, 53 L. Ed. 930."

"The archives of a department are not in the possession of the head of the department or chief of a bureau, but in the possession of the United States, and papers cannot be taken therefrom, by replevin against such officer, on a claim of them as private property. (1853) 6 Op. Atty. Gen. 7."

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"The records of Executive Departments are quasi-confidential in their nature, and must be classed as privileged communications whose production cannot be compelled by a court without express authority of law. And the head of an Executive Department may properly decline to furnish official records of his Department, or copies thereof, or to give testimony in a cause pending in court between private parties, respecting facts which have come to his knowledge officially, whenever in his judgment the production of such papers or the giving of such testimony might prove prejudicial, for any reason, to the government or to the public interest. (1905) 25 Op. Atty. Gen. 326, Sec, also, (1877) 15 Op. Atty. Gen. 378, 415; (1878) 16 Op. Atty. Gen. 24.

"Where the disclosure of facts stated, etc., in communications which are not privileged, as made in the course of official and public duties, would, in the judgment of the head of the department, be attended with serious damage to the public interest, the department would be justified in representing to the court that, upon public considerations, it declined to furnish such communications. (1877) 15 Op. Atty. Gen. 415, 416."

"Force and affect of regulations as law generally. - A regulation prescribed by the head of a department, within this section, when not inconsistent with law, has the force of law. Cahn v. U.S. (Kan. 1894) 14 S. Ct. 513, 517, 152 U.S. 221, 38 L. Ed. 415; Ex parte Reed (1879) 100 U.S. 13, 25 L. Ed. 538; (1895) 21 Op. Atty. Gen. 122.

"A regulation of a department, in conformity to a particular act of Congress, becomes a part of the law, and of a binding force as if incorporated in the body of the law itself. Wilkins v. U.S. (Pa. 1899) 96 F. 839, 841, 37 C.C.A. 588, writ of certiorari denied (1899) 20 Sup. Ct. 1023, 175 U.S. 727, 44 L. Ed. 339; U.S. v. Sibray (C.C. Pa. 1910) 178 F. 144, reversed on other grounds (1911) 185 F. 401, 107 C.C.A. 483; U.S. v. Barrows (D.C. Pa. 1869) Fed. Cas. No. 14,529, 1 Abb. U.S. 351; In re Aliens (D.C. N.Y. 1916) 231 F. 335; Peterson v. U.S. (C.C.A. Hawaii, 1923) 287 F. 17."

"While the head of an executive department is limited in what he does by the law, he need not show express statutory authority for an administrative detail incident to a power conferred. U.S. v. Macdaniel (Dist. Col. 1833) 7 Pet. 1, 14, 8 L. Ed. 587; Small v. U.S. (1909) 45 Ct. Cl. 13; (1911) 28 Op. Atty. Gen. 549."

Title 18, Paragraph 2071.

"2071. Concealment, removal, or mutilation generally.

"(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial

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or public officer of the United States, shall be fined not more than \$2,000 or imprisoned not more than three years, or both.

"(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States."

* The Defense Production Act *

"Section 705 (e) Information obtained under this section which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the President determined that the withholding thereof is contrary to the interest of the national defense, and any person willfully violating this provision shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than one year, or both."

"Section 710 (e) Whoever, being an officer or employee of the United States or any department or agency thereof (including any Member of the Senate or House of Representatives), receives, by virtue of his office or employment, confidential information, and (1) uses such information in speculating directly or indirectly on any commodity exchange, or (2) discloses such information for the purpose of aiding any other person so to speculate, shall be fined not more than \$10,000 or imprisoned not more than one year, or both. As used in this section, the term "speculate" shall not include a legitimate hedging transaction, or a purchase or sale which is accompanied by actual delivery of the commodity."

* The Federal Reports Act *

"Section 4. (a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

"(b) Information obtained by a Federal agency from any person or persons may, pursuant to this Act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical

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totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information."

* * *

"Section 7. As used in this Act -

"(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from ten or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest."

* Administrative Procedure Act *

ADMINISTRATIVE PROCEDURE ACT

"Section 3. Except to the extent that there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency-

"(a) RULES. -- Every agency shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations; and (3) substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public, but not rules addressed to and served upon named persons in accordance with law. No person shall in any manner be required to resort to organization or procedure not so published.

"(b) OPINIONS AND ORDERS. -- Every agency shall publish or, in accordance with published rule, make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules.

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"(c) PUBLIC RECORDS. -- Save as otherwise required by statute, matters of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found."

* Bureau of the Budget Bulletin 51-14 *

"This Bulletin deals with the plans of all Federal agencies with respect to the availability of indispensable records for emergency use. These plans for the protection of indispensable records were enumerated in a memorandum from the Administrator of General Services Administration to the heads of Federal Agencies dated October 31, 1950. This memorandum transmitted an Outline of Minimum Standards for an Agency's Documentary Protection Program, and identified indispensable documents as follows:

"1. Identification of Indispensable Documents

"(a) Standards for the determination of indispensable documentary materials cannot be established categorically. Records selected for protection must be of such character that their loss would seriously imperil the performance of functions essential to the maintenance of the U.S. Government under emergency conditions.

"(b) Priorities as to indispensability are suggested as follows:

"(1) Records vital to the military effort of the nation -- the operations of the Armed Forces.

"(2) Records vital to the mobilization and protection of the material and manpower resources of the nation.

"(3) Records vital to the maintenance of public health, safety, and order.

"(4) Records vital to the protection of the rights of individual citizens."

Implimenting 51-14 in the Central Intelligence Agency - see exhibit 1 for the details of this activity.

* G.S.A. Regulations *

A copy of these regulations is attached as exhibit 2.

* C.I.A. Records Program *

See exhibit 3 for the details of this program.

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Security Information

19 June 1951

SUBJECT: Operating Procedure for Vital Materials Program

1. PURPOSE: The purpose of this procedure is to institute a program for the orderly deposit of all vital materials, such as documents, records, and equipment pertinent to the activities of the organizational components of CIA, in a repository for safe keeping.

2. DEFINITIONS:

- a. Vital Materials - Vital materials are those specific items in the possession of CIA which are essential to the agency on a continuing basis and which, in the event of destruction, would constitute an irreplaceable loss.
- b. Area Records Officer - An Area Records Officer is an individual designated by an office head to act in all matters pertaining to vital materials within his jurisdiction.
- c. CIA Vital Materials Officer - The CIA Vital Materials Officer is the Chief, Records Management and Distribution Branch, General Services Division, Administrative Services. He is designated to coordinate the vital materials program for the entire agency.
- d. The Repository - The repository is a place where vital materials are being stored for safe keeping.
- e. Custodian of the Repository - The Custodian of the Repository (hereinafter referred to as the Custodian) is an individual designated to administer the functions of the Repository.
- f. Office of Origin - An "Office of Origin" is an office holding custodial jurisdiction over certain vital materials which, pursuant to the purpose of this program, should be moved to a place of safe keeping.

3. CATEGORIES OF VITAL MATERIALS: Charts 1, 2 and 3, Appendix A comprise a tabulation of the categories of vital materials by office of origin. Adherence to an organizational and functional listing of vital materials is essential to an overall agency records control program and, also, to preclude unnecessary duplication in reproduction requirements.

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4. OBJECTIVES:

- a. Safe storage of vital materials in original or reproduced form in a repository on a timely basis.
- b. Maintenance of the quality of film, legibility of images and continuity of indices with respect to reproduced materials.
- c. Security for the physical transfer of vital materials to the repository.
- d. The systematic filing and storage of vital materials to provide for appropriate reference coding and essential inventory purposes.
- e. The disposition of those vital materials which become non-record or non-current for reference purposes.
- f. The submission of periodic inventory reports to Offices of Origin by the Custodian.

5. DEPOSIT SYSTEM: The deposit of vital materials in original form will be construed as a direct method of effecting storage. The deposit thereof in reproduced form, such as by use of microphotography, will be construed as an indirect method.

a. Requirements -

- (1) Scheduling the flow of vital materials to the repository.
- (2) Scheduling reproduction operations.
- (3) Completing the physical transfer of the materials under secure circumstances.

b. Deposit Schedule - Effective 25 June 1951, deposits of vital materials will be made in the repository on Friday of each week. The CIA Vital Materials Officer will arrange for transportation, security, and other essential details.

c. Visits to Repository - An Area Records Officer making a direct deposit may accompany the CIA Vital Materials Officer to the repository.

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- d. Weekly Report - The CIA Vital Materials Officer will compile Report Form ____ "Vital Materials Placed in Repository" for rendition each week to the Chief, Administrative Services. This report will reflect in a composite manner the deposit activity for each Office of Origin on a cumulative basis. An office having no vital materials for deposit within a single week will advise the CIA Vital Materials Officer before Friday of each week.

6. FUNCTIONS: The operating elements will perform the following functions, respectively:

a. Area Records Officer - The Officer will:

- (1) Select, prepare, and identify vital materials as authorized for transfer directly from the office of origin to the repository.
- (2) Select, prepare, and identify vital materials pursuant to predetermined schedules for transfer indirectly from the office of origin through the CIA Vital Materials Officer to the repository.
- (3) Prepare and initiate CIA Form No. ____ "Transfer Slip", as appropriate.
- (4) Hold vital materials to be transferred in suspense file pending date of scheduled deposit.
- (5) Accompany CIA Vital Materials Officer to the repository on dates of scheduled deposits, as appropriate, to make physical deposits of vital materials.
- (6) Bring to the attention of the Assistant Director or Chief any changes in the inventory that have occurred since the previous quarterly report.
- (7) Consult with the CIA Vital Materials Officer on a continuing basis on matters pertaining to vital materials under his jurisdiction.
- (8) Initiate, execute and process forms, certificates, and reports either as prescribed herein or as requested by the CIA Vital Materials Officer.

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- b. CIA Vital Materials Officer - The Officer will advise and assist Area Records Officers on a continuing basis on matters pertaining to vital materials and will coordinate the Vital Materials Program on an operating basis by preparing and furnishing schedules, and completing arrangements for the physical transfer of vital materials directly or indirectly from Offices of Origin to the Repository; also, by:
- (1) Verifying the schedules to insure that offices are forwarding vital materials on a continuing basis.
 - (2) Duplicating vital materials where original copies cannot be deposited, and establishing schedules therefor.
 - (3) Inspecting quality of duplicating processes used for vital materials.
 - (4) Completing CIA Form No. ____ "Transfer Slip", as appropriate.
 - (5) Making scheduled visits to the Repository for the deposit of vital materials.
 - (6) Maintaining control file of receipts for duplicated vital materials signed by the Custodian upon deposit in the Repository.
 - (7) Procuring of personnel and equipment essential to implement the vital materials program with respect to indirect deposits.

c. Custodian - The Custodian Will:

- (1) Receive, verify and receipt for vital materials deposited through the CIA Vital Materials Officer.
- (2) Complete CIA Form No. ____ "Transfer Slip", as appropriate.
- (3) Establish and maintain an appropriate reference system that will provide broad codification to facilitate access to vital materials.
- (4) Prepare and furnish periodic inventory reports to the several Offices of Origin.
- (5) Complete destruction or return of vital materials to Offices of Origin, as directed.

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7. CONTROL OF VITAL MATERIALS -- The following procedure is prescribed for the control of Vital Material:

- a. Transfer Slip - CIA Form No. _____ "Transfer Slip" (See Appendix B) has been devised as a basic means of establishing administrative control over vital materials flowing to the repository by both direct and indirect methods of deposit. This is a four-part manifold form which provides for the recording of specific control data by each of the three operating elements, respectively, as follows:
 - (1) The Area Records Officer -- The Officer will initiate the form, recording in the spaces provided essential identifying data such as office of origin, date, deposit number, description of material, date and number of pages, and also the deposit method, retention period and replacement data.
 - (2) Vital Materials Officer -- The Officer will complete the spaces provided for reproduction data such as reel number, frame number, date and also, record the transfer date and any special instructions.
 - (3) The Custodian -- The Custodian will complete the spaces provided for the storage numbers i. e. cabinet and drawer and, subsequently, the disposition dates for either the destruction or return of the vital materials to the Office of Origin.
- b. Deposit Numbers -- Each Area Records Officer will maintain a separate series of deposit numbers in numerical sequence.
- c. Distribution of Copies -- Each copy of the form reflects the required distribution and, thus, is self-explanatory. Each Area Records Officer will maintain a control file of copies Numbered 1 and 3. Copy Number 1 will be placed in the control file before the vital materials are moved to the repository. Copy Number 2 will be fastened securely to the material and remain therewith while in storage. Copies Numbered 3 and 4 will be taken to the repository by the Area Records Officer where the Custodian, after executing the receipt (Copy Number 3), for indirect deposits, will place copy Number 4 in his control file. The foregoing will apply to both direct and indirect methods of deposit except that in the case of indirect deposits, the Area Records Officer will not separate the copies of the form for distribution until after reproduction operations have been completed.

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- d. Receipt -- The Custodian will execute the receipts for indirect deposits. However, as he will have no knowledge of the contents of direct deposits he will not be required to receipt therefor nor compile reports of possession thereon.

8. IDENTIFICATION OF VITAL MATERIALS -- The identification of vital materials is prescribed as follows:

- a. Title page -- All materials recommended for storage as vital will reflect the Office of Origin, the long and short title and serial number which will conform with the file series established for each office respectively, as provided in Appendix B. The word "vital" will appear on the outside cover of all materials. Where the material concerns a document, as such, the data prescribed above will appear on the title page (inside front cover), and each succeeding volume of a multi-volume document will bear a separate short title. Where the materials entail records only, the subject matter of each group in the records series will be substituted for the "title" as appropriate. Where the material comprises equipment, the name, make and model number will suffice for the "title".
- b. Correspondence and Reports -- All references to vital materials in possession, inventory or transfer, such as reports, reports of destruction, or correspondence will be by serial number, date and short title only. In using a short title every symbol of the short title will be included. Any correspondence on paper which refers to vital materials by titles other than the short titles will be assigned a minimum security classification of SECRET, i. e., if the reference discloses that the material is vital.
- c. Revision of Vital Materials -- A revised edition of existing vital materials may be assigned a new short title but, where this is undesirable, the old short title followed by a symbol which will differentiate the revised edition from the old is permissible.
- d. Reproduction -- Reproduction of vital materials in whole or part is forbidden except by specific authorization of the office of origin. When authorized, a reproduction will show the reproducing office, authority for such reproduction, and the number of copies reproduced. In addition the Office of Origin will be notified.

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- e. Transfer of Vital Materials -- When vital materials are transferred from one Office of Origin to another, or the organization's designation changes, a certificate of transfer will be made in triplicate by the assignee or the successor organization. The certificate will be signed by the Area Records Officer transferring the material. The original and one copy will be forwarded to the CIA Vital Materials Officer who in turn will forward both copies to the Custodian of the Repository for receipt and acknowledgement. A copy of the certificate of transfer will be retained by each office concerned.
- f. Destruction of Vital Materials -- Normally, the Office of Origin will designate when vital materials are to be removed from the Repository and destroyed. The Custodian will be responsible for the disposition of vital materials which are to be destroyed at the Repository. In this responsibility, he will adhere to CIA Security Regulations covering the destruction of classified material. A copy of the certificate of destruction will be forwarded to the Office of Origin and to the CIA Vital Materials Officer for record.

9. INVENTORY OF VITAL MATERIALS --

- a. The Custodian will maintain a master inventory of all vital material by Office of Origin and will make, or have made, each quarter of every year, an accurate return thereof to each office concerned, respectively.
- b. In making the quarterly report of possession the following details will be observed:
 - (1) Each item will be physically inspected and its serial deposit number checked with the inventory.
 - (2) The Custodian of the Repository will take the inventory and will sign the report.
- c. A quarterly report of possession will not be required for:
 - (1) Vital Materials which have been received, subsequently destroyed, and a destruction report rendered thereon within a single quarterly period.
 - (2) Materials which have been placed in the Repository for historical purposes only, with the express approval of the Custodian.
 - (3) Materials which have been received by direct deposit.

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GENERAL SERVICES ADMINISTRATION

TRANSMITTAL LETTER NO. 1

Washington 25, D. C.

December 6, 1951

REGULATIONS OF THE GENERAL SERVICES ADMINISTRATION
TITLE 3, FEDERAL RECORDS

To: Heads of Federal Agencies

1. Material Transmitted

Attached are Chapters I and IV of Title 3, Federal Records, Regulations of the General Services Administration. Chapter I contains General Provisions and Chapter IV prescribes regulations governing the Disposition of Federal Records.

This is the first issuance of Regulations of the General Services Administration in codified form, announcement of which was contained in General Services Administration Circular No. 28, dated October 4, 1951.

2. Supplies of Forms

Standard Forms 115, Request for Authority to Dispose of Records, and 115a, Continuation Sheet, and GSA Forms 467, Annual Statistical Summary of Records Holdings, and 468, Agency Records Center Annual Report, are prescribed by these Regulations. Supplies of the standard forms may be obtained on and after December 20, 1951, by the submission of purchase orders to the appropriate GSA Federal Supply Center. Supplies of the GSA Forms may be obtained, upon request, from the Office Services and Supply Division, Office of Management, General Services Administration, Washington 25, D. C.

3. Completion of Title 3

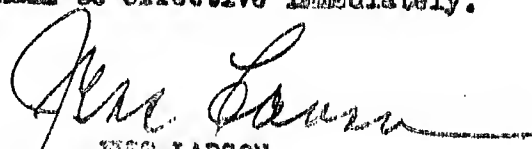
Chapter II, Creation of Records, Chapter III, Organization, Maintenance, and Use of Records, and Sections 102 and 103 of Chapter IV, are in process of preparation and will be issued at an early date.

4. Rescissions

Regulations of the National Archives Council, adopted July 29, 1949 (14 F.R. 5405), and the Resolution concerning the Transfer of Records to the National Archives, adopted by the National Archives Council November 9, 1944, are hereby superseded.

5. Effective Date

The Regulations transmitted herewith shall be effective immediately.



JESS LARSON

REGULATIONS OF THE
GENERAL SERVICES ADMINISTRATION

TITLE 3

FEDERAL RECORDS



WASHINGTON 25, D. C.

DECEMBER 1951

Regulations
of the
General Services Administration

General. Regulations prescribed by the Administrator of General Services pursuant to the provisions of Public Law 152, 81st Congress, as amended, and other law, having continuing application to Government agencies and to the public will be codified into a five title edition entitled "Regulations of the General Services Administration." These Regulations will include all policy directives, procedures, general delegations of authority, GSA and Standard Forms and similar regulatory material.

Title Numbers and Subjects. When completed the codified edition of the Regulations will consist of the following:

- Title 1 Personal Property Management
- Title 2 Real Property Management
- Title 3 Federal Records
- Title 4 Emergency Procurement
- Title 5 Contract Settlement

Method of Issuance. Codified Regulations are issued in loose leaf form to permit the insertion or removal of pages upon which additions to, or deletions or revisions of, regulatory statements are made necessary by changes in policy or fact. Revised or added pages will be issued as needed, and the material under each Title shall be kept up to date by all persons who are responsible for the operation of any phase of an agency program which is effected by the Regulations of the General Services Administration.

Internal Numbering System. Titles are divided into numbered and titled chapters, parts, sections and subsections, to denote delineation between subordinate functional areas under the main title.

Parts, sections and subsections are identified by a five digit numbering system. The first digit identifies the part; the second and third digits identify the section; and the fourth and fifth digits identify the subsection. For purposes of reference a subsection will be identified by using the title number, the chapter number and the full section number. For example, the first subsection of the first section under Chapter II of Title 2, will be referenced as GSA Regulation 2-II-201.01. The first number identifies the title and the second number identifies the chapter. Paragraphs and subparagraphs are identified by small alphabetical letters and by arabic numerals respectively: for example, paragraph a, subparagraph 1. Thus a paragraph and subparagraph under section 201.01 of Part 2 will be referenced for identification purposes as subparagraph a.1. of GSA Reg. 2-II-201.01, or GSA Reg. 2-II-201.01a.1. Further subdivisions, when necessary, will be identified in order by letters and numerals in parentheses, e.g., (a) and (1).

Pages are identified in the upper right or left corner to show the title, chapter, part, section and subsection in which they belong. For example, a page bearing the identification "GSA Reg. 2-II-201.04" belongs in Chapter II, Part 2, Section 1, subsection 4, of Title 2, Real Property Management. The identification shown at the top of the page will be the number of the first subsection beginning on that page. When a subsection extends beyond one page, the continuation page is further identified by "(Cont'd-)" appearing after the subsection number at the top of the page; for example, (Cont'd-2). (Cont'd-3), etc.

After the original issuance of material under a title revised or added pages will be identified by the following statement in the upper right or left corner immediately below the page identification (Revised (date)) or (Added (date)).

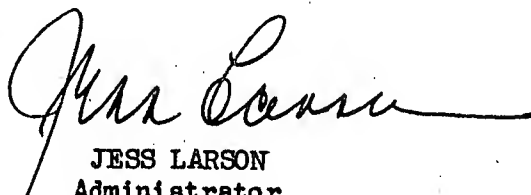
Transmittal Letters. The original issuance and revised and added material will be promulgated and distributed to agencies under cover of a series of consecutively numbered transmittal letters for each title. The transmittal letters will be designed to serve the following purposes:

1. Transmit as an attachment the pages to be substituted or added and give instructions for insertion.
2. State the purpose of the new regulation or the change in policy involved.
3. Give such nonrecurring instructions as may be necessary to effect the new or changed regulation and the date such regulation shall be made effective.

For reference purposes transmittal letters should be retained, and may be placed in the back of the cover for the particular title; or may be detached and filed separately.

A U T H E N T I C A T I O N

In accordance with the authority vested in the
Administrator of General Services, I hereby declare
that the Regulations of the General Services Admin-
istration, Title 3, Federal Records, shall be the
Regulations governing the management of the records
of Federal agencies until modified by order of the
Administrator or by law.



JESS LARSON
Administrator

REGULATIONS OF THE
GENERAL SERVICES ADMINISTRATION

TITLE 3 FEDERAL RECORDS

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Appendix A - Exhibits

* - To be issued later

TITLE 3 FEDERAL RECORDS

CHAPTER I GENERAL PROVISIONS

PART 1 INTRODUCTION

SECTION 101.00 GENERAL

101.01 Purpose. The Regulations in this Title prescribe policies and methods for the economical and efficient management of records of Federal agencies.

101.02 Authority. The Regulations in this Title are issued pursuant to the authority contained in the so-called Records Disposal Act, as amended (44 U.S.C. 366-380), the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. Supp. 214, 44 U.S.C. Supp. 367, 369), and the Federal Records Act of 1950 (41 U.S.C. Supp. 281-290).

101.03 Applicability. The Regulations in this Title apply to all agencies in the executive, legislative, and judicial branches of the Government, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, to the extent provided in the Federal Property and Administrative Services Act of 1949, as amended.

SECTION 102.00 AGENCY RECORDS MANAGEMENT PROGRAMS

102.01 Authority. Section 506 (b) of the Federal Records Act of 1950 requires the head of each Federal agency to establish and maintain an active, continuing program for the economical and efficient management of the records of the agency.

102.02 Program Content. Agency programs shall, among other things, provide for:

- a. Effective controls over the creation, the organization, maintenance and use, and the disposition of all agency records.
- b. Cooperation with the Administrator of General Services in developing and applying standards, procedures, and techniques designed to improve the management of records, assure the maintenance and security of records of continuing value, and facilitate the segregation and disposal of all records of temporary value.
- c. Compliance with the provisions of the Federal Records Act of 1950 and with the regulations issued thereunder.

102.03 Creation of Records. Adequate records management controls over the creation of agency records shall be instituted to insure that important policies and decisions are adequately recorded; that routine operational paper work is kept to a minimum; and that the accumulation of unnecessary files is prevented. Effective techniques to be applied in this area include the application of systems for the control of correspondence, forms, directives and issuances, and reports; the minimizing of duplicate files; and the disposal without filing of transitory material that has no value for record purposes.

102.04 Organization, Maintenance, and Use of Records. Provision shall be made for the continued analysis and improvement of such matters as mail handling and routing, record classification and indexing systems, the use of filing equipment and supplies, the reproduction and transportation of records, and work production standards relating thereto, to insure that records are maintained economically and efficiently and in such a manner that their maximum usefulness is attained.

102.05 Disposition of Records. Provision shall be made to insure that records of continuing value are preserved but that records no longer of current use to an agency are promptly disposed of or retired. Effective techniques for accomplishing these ends are the development of records control schedules; the transfer of records to records centers and to the National Archives; the microfilming of appropriate records; and the disposal of valueless records.

GSA Reg. 3-I-102.06

102.06 Liaison Offices. Responsibility for the development of the records management program shall be specifically assigned to an office or offices within each Federal agency. The office to which the major responsibility is assigned shall be reported for liaison purposes to the National Archives and Records Service.

102.07 Annual Statistical Summary. Each Federal agency within 60 days after the close of the fiscal year 1952 and each year thereafter shall submit to the National Archives and Records Service a statistical summary of records holdings on GSA Form 467 (Exhibit 1, Appendix A). Instructions for the preparation of the report are set forth on the form. The statistical summary may be consolidated for the entire agency, or, if more practical, individual reports may be submitted for bureaus or comparable organizational units.

CHAPTER IV DISPOSITION OF FEDERAL RECORDS

PART 1 RECORDS CONTROL SCHEDULES AND STANDARDS

SECTION 101.00 RECORDS CONTROL SCHEDULES

101.01 Records Scheduling Programs. A records scheduling program is essential to promote a prompt and orderly reduction in the quantity of records in each Federal agency in accordance with the provisions of section 505 (a) of the Federal Records Act of 1950.

101.02 Basic Elements in Records Scheduling Programs. Three basic elements are present in a records scheduling program:

- a. The taking of a complete inventory of the records in the custody of the agency.
- b. The formulation of policy as to the disposition of each type or series of records and its statement in the form of a records control schedule.
- c. The application of the records control schedule to effect the elimination or removal of records.

101.03 Formulation of Records Control Schedules. The following steps shall be taken in the development of records control schedules:

- a. Each Federal agency shall compile a records control schedule for all major groups of records in its custody having importance in terms of content, bulk, or space and equipment occupied. For all Federal agencies in existence on June 30, 1951 (other than the judiciary, for which special arrangements will be made), such records control schedules shall be completed by June 30, 1954. For all Federal agencies created after June 30, 1951, such schedules shall be completed within one year after the creation of the agency.
- b. Schedules shall clearly identify and describe the series of records covered, and shall contain instructions that, when approved, can be readily applied. Schedules must be readily adaptable to use along organizational lines, so that each office will have standing instructions for the disposition of records in its custody.
- c. All schedules shall take into account the actual filing arrangements in existence, so that disposition of records can be physically accomplished in the largest blocks possible.
- d. Nonrecord materials, such as extra copies of documents preserved for convenience of reference, stocks of processed documents, preliminary worksheets, and similar papers that need not be made a matter of record, shall not be incorporated in the official files of the agency. To the maximum extent possible, material

not required for record purposes shall be disposed of; it should not be sent to file. In cases where transitory files of such materials are established and maintained in filing equipment, such files shall be controlled by means of instructions in the records control schedule.

- e. Schedules shall be reviewed at least once annually to effect changes necessary to maintain their current status.

101.04 Provisions of Records Control Schedules. Records control schedules shall provide for:

- a. The disposal after minimum retention periods of those records not having sufficient value to justify their further retention. Procedures for obtaining disposal authorization are prescribed in sections 104.00 and 106.00 of this chapter.
- b. The removal to a Federal Records Center (or to an agency records center approved under the provisions of section 401.00 of this chapter) of those records which cannot be disposed of immediately but which need not be maintained in office space and equipment. Such records will be maintained by the records center pending their transfer or disposal.
- c. The retention as current records in office space and equipment of the minimum volume of records consistent with efficient operation.

101.05 Application of Records Control Schedules. The head of each Federal agency shall take necessary action to obtain the application of records control schedules to provide for the maximum economy of space, equipment, and personnel.

SECTION 104.00 GENERAL RETENTION AND DISPOSAL SCHEDULES

104.01 Authority. Section 505 (b) of the Federal Records Act of 1950 directs the Administrator to establish standards for the selective retention of records of continuing value. The Records Disposal Act prescribes that no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of the Act. This Act also authorizes the Administrator to submit to Congress schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

These schedules when reported upon favorably by the Joint Committee on the Disposition of Executive Papers constitute authority to dispose of the records included therein. Agencies may apply this authority subject to approval of the Comptroller General of the United States when required by section 9 of the Records Disposal Act. Such disposal authority is permissive and not mandatory.

104.02 Approved General Disposal Schedules. Pursuant to the authority cited in section 104.01, general disposal schedules governing the retention and disposal of the types of records listed below shall continue in effect until superseded by amendment of this section.

- a. Civilian Personnel Records, issued by Federal Records Regulation No. 1, dated November 2, 1951.
- b. Deferment Records (World War II), issued by National Archives Circular Letter No. 46-2, dated March 13, 1946.
- c. Records of Informational Services and Relations with the Public, issued by National Archives Circular Letter No. 46-4, dated May 23, 1946.
- d. Mail and Postal Records, issued by National Archives Circular Letter No. 47-1, dated August 7, 1946.
- e. Fiscal and Accounting Records, issued by National Archives Circular Letter No. 47-2, dated August 7, 1946.
- f. Bankruptcy Records, issued by National Archives Circular Letter No. 48-1, dated July 7, 1947.

SECTION 105.00 REPRODUCTION OF PERMANENTLY VALUABLE RECORDS

105.01 Authority. Pursuant to the provisions of section 2 of the Records Disposal Act, the Administrator of General Services is required to establish standards for the reproduction of records by photographic, microphotographic, or other processes, when such reproductions are to serve as permanent records.

105.02 Standards. In making reproductions of permanently valuable records in order to dispose of the originals, the following standards shall be maintained:

- a. The integrity of the original records shall be preserved on the copies. The preservation of the integrity of the records implies that the copies will be adequate substitutes for the original records in serving the purposes for which such records were created or maintained. More specifically, the term "integrity of the records" is defined to mean:
 1. That the copies will be so arranged, identified, and indexed that an individual document or component of a records series can be located with reasonable facility; and
 2. That the copies will contain all significant record detail needed for probable future reference.
- b. The film stock used in making photographic or microphotographic copies, and the processing thereof, shall comply with the specifications of the National Bureau of Standards for permanent records.
- c. The provisions for preserving, examining, and using the copies of the original records shall be adequate.
- d. Whenever the agency deems that the original photographic or microphotographic negative or master reproducing copy of permanently valuable records is deteriorating or will deteriorate as a result of use or other causes, the agency shall make a duplicate copy for its own use, if necessary, and shall deposit the original photographic or microphotographic negative or master reproducing copy with the National Archives.

105.03 Destruction of Originals. Authority to dispose of the original records must be obtained in accordance with section 106.00 of this chapter. In order to avoid the possibility of approval being withheld because of failure to comply with the above standards, Federal agencies proposing to preserve permanently valuable records on microfilm or by other reproduction processes shall request authority to dispose of the originals before the reproduction project itself is actually undertaken.

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- a. Approval will be facilitated if a statement of procedures to be adopted in order to comply with the above standards accompanies the request.
- b. Technical advice and assistance may be obtained, upon request, from the National Archives and Records Service, Records Management Division.

SECTION 106.00 AGENCY DISPOSAL AUTHORITY

106.01 Authority. The Records Disposal Act prescribes that no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of the Act. It further requires the Administrator of General Services to establish procedures to be followed by Federal agencies in compiling and submitting lists and schedules of records proposed for disposal.

106.02 Submission of Disposal Requests. Requests for authorization to dispose of records shall be initiated by Federal agencies by submitting records disposal lists or schedules to the National Archives and Records Service on Standard Forms 115 and 115a, Continuation Sheet, as revised. Samples of these forms and instructions for their preparation are attached as Exhibits 2 and 2a, Appendix A. Existing stocks of Standard Form 115 and 115a will be used until exhausted. Standard Form 115 may be used for submitting either a list or schedule, by checking either A or B, respectively, under entry 6. Authority contained in an approved list is limited to records already in existence, and should be used only when records of the types described are no longer accumulating. A schedule gives continuing authorization, and will be used in all cases where the types of records described in the request will continue to accumulate.

106.03 Certification. The signing of Standard Form 115 by a properly authorized agency representative shall constitute certification that the records described do not have, or will not have after the expiration of the retention period indicated, sufficient administrative, legal, or fiscal value to the agency itself to warrant further retention. Appraisal by the National Archives and Records Service will be limited to review for possible value to other agencies of the Government, and for research or historical value.

106.04 General Accounting Office Clearance. Each Federal agency shall obtain the approval of the Comptroller General of the United States, as required by section 9 of the Records Disposal Act, for the disposal of certain classes of records relating to claims and demands by or against the Government or to accounts in which the Government is concerned. Such approval shall be obtained either prior to or concurrently with the submission of the disposal request to the National Archives and Records Service.

106.05 Approval of Requests for Disposal Authority. After review by the National Archives and Records Service, the request, with the Archivist's recommendation, is transmitted to the Congress as required by the Records Disposal Act. If the Joint Committee on the Disposition of Executive Papers makes a favorable report on the request, the Archivist shall notify the agency thereof by returning one copy of completed Standard Form 115. This constitutes the disposal authorization, which is mandatory. Such authorized disposal shall be accomplished as prescribed in section 201.00 of this chapter.

106.06 Extension of Retention Periods. In cases of emergency or when it is in the interest of economy, the head of a Federal agency may retain records authorized by Congress for disposal after the specified retention period. When records are so retained, a copy of the directive authorizing such retention shall be furnished to the Administrator and such records shall be disposed of as soon as is administratively practical.

SECTION 107.00 EMERGENCY AUTHORIZATION FOR THE DISPOSAL OF RECORDS

107.01 General. Under certain conditions records may be disposed of without regard to the provisions of section 106.00 of this chapter.

107.02 Menaces to Human Health or Life or to Property. Section 10 of the Records Disposal Act authorizes disposal whenever it is determined that records constitute a continuing menace to human health or life or to property. Whenever the head of an agency has determined that records constitute such a menace he shall notify the National Archives and Records Service, specifying the nature of the records, their location and quantity, and the nature of the menace. If the National Archives and Records Service concurs in the determination, the immediate removal of the menace by destruction of the records or by other appropriate means will be directed.

107.03 State of War or Threatened War. Section 11 of the Records Disposal Act authorizes the destruction of records outside the territorial limits of the continental United States whenever, during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the head of the agency that has custody of the records determines that their retention would be prejudicial to the interests of the United States, or that they occupy space urgently needed for military purposes and are without sufficient value to warrant continued preservation.

Within six months after the disposal of any records under this authorization, a written report describing the character of the records and stating when and where the disposal was accomplished shall be submitted to the National Archives and Records Service by the agency official who directed the disposal.

PART 2 DISPOSAL OF RECORDS

SECTION 201.00 METHODS OF DISPOSAL

201.01 Authority. Under the provisions of the Records Disposal Act, Federal agencies are required to follow regulations issued by the Administrator of General Services governing the methods by which records authorized for disposal are to be disposed of. Only the methods set forth in this section shall be used in effecting the disposal of records, whenever Congress shall have authorized their disposal.

201.02 Sale or Salvage. Paper records to be disposed of shall normally, and during the present shortage of paper, to the maximum extent practicable, be sold as waste paper; provided that, unless the records have been treated to destroy their record content, the contract for sale shall prohibit their resale or use as records or documents. Outside Washington, D. C., where quantities involved do not warrant sale, paper records authorized for disposal may be donated for salvage purposes to local public or nonprofit institutions or agencies; provided that precautions are taken to insure that the materials are not resold as records or documents, and that the interests of the United States and of private individuals are protected. Records other than paper records (film, plastic, etc.) may be salvaged by the agency concerned or sold under the same conditions that govern the sale of paper records. All sales shall be on a competitive basis as required by the provisions of law applicable to the selling agency.

201.03 Donation for Preservation and Use. Whenever it is believed that the public interest will be served thereby, a Federal agency may transfer records authorized for disposal to a government, organization, institution, corporation, or person that has made application for them; provided (a) that the applicant agrees not to sell the records as records or documents; (b) that the transfer is made without cost to the United States Government; (c) that no transfer shall be approved if the records contain information the revelation of which is prohibited by law or would be contrary to the public interest; (d) that no transfer to a foreign government shall be approved unless such government has an official interest in the records; and (e) that no transfer to a person or business corporation shall be approved unless the records are necessary to the operation of of properties acquired from the Government.

a. Report of Donation of Disposable Records to Non-Federal Custody. Each donation of records under this authority shall be reported to the National Archives and Records Service. This report shall contain:

1. The name of department or agency and the name of the major and minor subdivision thereof concerned.
2. The name and address of the recipient of the records.

GSA Reg. 3-IV-201.04

3. A list of the records by item number, with an accurate identification of the series of records transferred, the inclusive dates of the records, and the National Archives and Records Service job and item number(s) of the disposal authorization(s) as indicated on Standard Form 115, or other disposal authority.

201.04 Destruction. If the records cannot advantageously be sold or otherwise salvaged, or if, in the opinion of the agency concerned, destruction is necessary to prevent the disclosure of information that might be prejudicial to the public interest, the records may be destroyed by maceration, burning, or other appropriate means.

PART 3 TRANSFERS OF RECORDS

SECTION 301.00 TRANSFER OF RECORDS FROM THE CUSTODY OF ONE EXECUTIVE AGENCY TO THAT OF ANOTHER

301.01 Authority. Section 505 (e) of the Federal Records Act of 1950 provides that, subject to applicable provisions of law, the Administrator of General Services shall issue regulations governing the transfer of records from the custody of one executive agency to that of another.

301.02 Approval. No records shall be transferred from one executive agency to the custody of another without the prior written approval of the National Archives and Records Service except as provided in section 301.09 of this chapter.

301.03 Agency Request. The head of any executive agency may request the transfer of records to or from his agency. Approval shall be requested by letter addressed to the National Archives and Records Service, in which are included:

- a. A concise description of the records to be transferred, including the volume in cubic feet;
- b. A statement of the restrictions imposed on the use of records;
- c. A statement of the number of reference requests per month made on the records, with information as to the agencies and persons using the records and the purpose of such use;
- d. A statement of the number of persons, if any, assigned to the administration of the records;
- e. A statement of the current and proposed physical and organizational locations of the records;
- f. Information as to why the proposed transfer is in the best interests of the Government; and
- g. A justification for the transfer of records more than five years old.

301.04 Agency Concurrences. Copies of the concurrence or nonconcurrence in the transfer by the heads of any agencies concerned shall be attached to the agency request.

301.05 Records of Terminated Agencies. Transfers of records of executive agencies whose functions are terminated or are in process of liquidation are expressly subject to these regulations and no such transfers shall be made except in accordance with their provisions.

301.06 Equipment. Records storage equipment shall be transferred with the records contained therein in accordance with arrangements previously agreed to by the agencies concerned.

301.07 Costs of Transfers. Approved transfers shall be made without reimbursement to the agency of original custody for any costs involved, except when such reimbursement is previously agreed to by the agencies concerned.

301.08 Restrictions on Use of Records. Whenever any records that are transferred are subject to restrictions upon their use, imposed pursuant to statute, Executive order, or agency determination, such restrictions shall continue in effect after the transfer. Restrictions imposed by agency determination may be removed by agreement between the agencies concerned.

301.09 Exceptions. Prior written approval of the National Archives and Records Service is not required:

- a. When records are transferred to the Federal Records Centers or the National Archives in accordance with sections 302.00 and 303.00 of this chapter.
- b. When records are loaned for official use.
- c. When the transfer of records or functions or both is required by statute, Executive order, or Presidential reorganization plan, or by specific determinations made thereunder.
- d. When the continuing transfer of records has heretofore been authorized under the provisions of Executive Order 9784, September 25, 1946 (11 F.R. 10909). Revisions in such authorizations require the approval of the National Archives and Records Service.

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- b. A statement of the restrictions imposed on the use of records;
- c. A statement of the number of reference requests per month made on the records, with information as to the agencies and persons using the records and the purpose of such use;
- d. A statement of the number of persons, if any, assigned to the administration of the records;
- e. A statement of the current and proposed physical and organizational locations of the records;
- f. Information as to why the proposed transfer is in the best interests of the Government; and
- g. A justification for the transfer of records more than five years old.

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- b. When records are loaned for official use.
- c. When the transfer of records or functions or both is required by statute, Executive order, or Presidential reorganization plan, or by specific determinations made thereunder.
- d. When the continuing transfer of records has heretofore been authorized under the provisions of Executive Order 9784, September 25, 1946 (11 F.R. 10909). Revisions in such authorizations require the approval of the National Archives and Records Service.

SECTION 302.00 TRANSFER OF RECORDS TO FEDERAL RECORDS CENTERS

302.01 Authority. Section 505 (d) of the Federal Records Act of 1950 authorizes the Administrator of General Services to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies. Such centers are known as Federal Records Centers. A list of Federal Records Centers showing the areas served thereby is attached as Exhibit 3, Appendix A.

302.02 Procedures for Transfers to Federal Records Centers. The following procedures will govern the transfer of records to Federal Records Centers:

- a. Federal Records Centers will accept for transfer any records offered by Federal agencies, subject to the following conditions:
 1. That the records are not authorized for immediate disposal; and
 2. That facilities for housing and providing reference service on the records are available.

Priority will be given to the removal of records from office space, from space convertible to office use, from leased space, and from filing equipment which can be reused.
- b. Transfers may be initiated by either oral or written request to the Deputy Regional Director for Records Management in the General Services Administration region in which the records are located. Requests shall specify the nature and quantity of the records proposed for transfer.
- c. Transfers of records on an agency-wide basis may be initiated by central or headquarters offices of agencies by either oral or written request to the Records Management Division, National Archives and Records Service, National Archives Building, Washington 25, D. C. Requests shall specify the nature and quantity of the records proposed for transfer.
- d. Federal Records Centers will furnish agencies with a receipt acknowledging the transfer of records.

302.03 Surveys of Records Available for Transfer. Surveys will be conducted by the regional Records Management Service of the records accumulations of field offices of those agencies not operating approved records centers for the purpose of recommending records for transfer to Federal Records Centers. Such recommendations will be submitted to the field office concerned and to the National Archives and Records Service for

coordination with the appropriate agency headquarters. Surveys of records of agency headquarters will normally be made by the Records Management Division, National Archives and Records Service.

302.04 Release of Equipment. Equipment received with the transfer of records to a Federal Records Center will, when emptied and if needed, be returned on request to the agency from which the records were received. If the return of such equipment is not required, it will be disposed of in accordance with applicable excess property Regulations.

302.05 Restrictions on Use of Records. Restrictions lawfully imposed on the use of transferred records will be observed and enforced by the Federal Records Centers, subject to the provisions of section 507 (b) of the Federal Records Act of 1950.

302.06 Disposal Clearances. No records of a Federal agency still in existence shall be disposed of by a Federal Records Center except with the concurrence of the agency concerned.

SECTION 303.00 TRANSFER OF RECORDS TO THE NATIONAL ARCHIVES

303.01 Authority. The Administrator of General Services is authorized by section 507 (a) of the Federal Records Act of 1950 to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government.

303.02 Transfers via Records Centers. Records will normally be transferred to the National Archives from a Federal Records Center or an approved agency records center. When such transfers are made, the agencies concerned will be furnished an inventory of the records transferred.

303.03 Direct Transfers. The classes of Federal records listed below may be offered for direct transfer to the National Archives. Such transfers shall be initiated by Federal agencies by written request to the National Archives and Records Service, specifying the nature and quantity of the records proposed for transfer. Existing arrangements for the transfer of records of the Congress of the United States will be continued.

- a. Records of the Executive Office of the President and of Presidential Boards, Commissions, and Committees
- b. Records of the Congress of the United States
- c. Records of the Supreme Court of the United States
- d. Audiovisual records (motion pictures, still photographs, sound recordings, etc.)
- e. Cartographic records (maps, charts, etc.)
- f. Series of records of unquestionable value that are not susceptible to screening or other processing (such as microfilming) to reduce their bulk
- g. Records that have been in existence 25 or more years and that are considered to have enduring value

303.04 Release of Equipment. Equipment received with the transfer of records to the National Archives will, when emptied and if needed, be returned on request to the agency from which the records were received. If the return of such equipment is not required, it will be disposed of in accordance with applicable excess property Regulations.

GSA Reg. 3-IV-303.05

303.05 Restrictions on Use of Records. Restrictions lawfully imposed on the use of transferred records will be observed and enforced by the National Archives and Records Service, subject to the provisions of section 507 (b) of the Federal Records Act of 1950.

303.06 Disposal Clearances. No records of a Federal agency still in existence shall be disposed of by the National Archives and Records Service except with the concurrence of the agency concerned.

PART 4 AGENCY RECORDS CENTERS

SECTION 401.00 ESTABLISHMENT

401.01 Authority. Section 506 (c) of the Federal Records Act of 1950 authorizes Federal agencies to maintain and operate records centers for the storage, processing, and servicing of records that are appropriate therefor, when such centers are approved by the Administrator of General Services. Such centers operated by Federal agencies are referred to herein as "agency records centers."

401.02 Existing Records Centers. Agency records centers in operation as of the date of this Regulation are provisionally approved, pending their inspection by the General Services Administration.

401.03 Requests for Authority to Establish or Relocate Records Centers. No agency records center shall be established or relocated from one city to another without the prior written approval of the General Services Administration.

- a. Exclusions. For purposes of this section the term "agency records center" excludes:
1. Staging areas containing less than 5,000 square feet of space used by agencies for the temporary storage of materials preparatory to their transfer to a records center or other disposition; provided that no records are held in the staging area in excess of five years.
 2. Areas of less than 5,000 square feet used solely for the storage of records to which occasional reference is made but on which no processing activity (screening, microfilming, etc.) is performed.
- b. Content of Requests. Requests for authority to establish or relocate an agency records center shall be submitted in writing to the Administrator of General Services. Such requests shall specify:
1. Proposed location of the agency records center
 2. Space to be occupied in gross square feet
 3. Nature and quantity of records to be stored
 4. Total personnel to be employed
 5. Justification of the proposed center

- c. Approval of Requests. Requests for the establishment or relocation of an agency records center will be approved by the Administrator of General Services when greater economy or efficiency can be achieved through its operation than by use of a Federal Records Center operated by the General Services Administration.

401.04 Annual Agency Records Center Report. Each Federal agency operating one or more agency records centers shall submit to the National Archives and Records Service, within 60 days after the close of the fiscal year 1952 and each year thereafter, a report on GSA Form 468 (Exhibit 4, Appendix A), for each center.

A P P E N D I X A

FORMS AND OTHER EXHIBITS

(Arranged in numerical order by Exhibit number)

GSA FORM 467
DECEMBER 1951
GENERAL SERVICES
ADMINISTRATION

ANNUAL STATISTICAL SUMMARY OF RECORDS HOLDINGS

This form (original only) is to be submitted by each Federal agency within 60 days after the close of each fiscal year to the National Archives and Records Service, General Services Administration, Washington 25, D. C. See instructions below.

1. FISCAL YEAR ENDING
2. DEPARTMENT OR AGENCY

	DEPARTMENTAL (A)	FIELD (B)	AGENCY RECORDS CENTER (C)	TOTALS (D)
3. Volume of records on hand at the beginning of the fiscal year (cubic feet)				
4. Volume of records disposed of during the fiscal year (cubic feet) (Do not include records cleared for disposal in Federal Records Centers)				
5. Volume of records transferred to agency records centers during the fiscal year (cubic feet)				
6. Volume of records transferred to other agencies during the fiscal year (cubic feet) (Including Federal Records Centers or the National Archives)				
7. Volume of records on hand at end of fiscal year (cubic feet)				
8. Percentage of the records shown in 7 above which are scheduled for disposal (including general schedules formally adopted by the agency)				
9. Percentage of the records shown in 7 above which are considered as permanent records.				
10. Percentage of the records shown in 7 above which are not yet scheduled for disposal (item 8) nor considered as permanent records (item 9)				
11. DATE	13. SIGNATURE			
12. TITLE OF PERSON SIGNING REPORT				

INSTRUCTIONS

Records of an agency transferred to the General Services Administration in years prior to the fiscal year covered by the report will not be reported. Non-record material will be included in volume and percentage totals if agency practice calls for statistics on this class of material.

The term "Departmental" (column A) means the headquarters of the agency, as contrasted to the agency's field activities, if any, but excluding records centers as defined below.

The term "Field" (column B) means the agency's offices other than those included in the departmental headquarters and other than records centers as defined below.

"Agency Records Center," (column C) is described in GSA Regulation 3-IV-401.01 and 3-IV-401.03a.

NOTE: For purposes of this report, cubic feet may be calculated according to the following table of equivalents:

- Letter sized filing cabinets (full but workable) - 1 1/4 cu. ft. per drawer
- Legal sized filing cabinets (full but workable) - 2 cu. ft. per drawer
- Tabulating cards - 10,000 per cu. ft.
- 3 x 5 Filing case (full but workable) - 1/10 cu. ft. per 12 inch drawer
- 4 x 6 Filing case (full but workable) - 1/6 cu. ft. per 12 inch drawer
- 5 x 8 Filing case (full but workable) - 1/4 cu. ft. per 12 inch drawer
- Map cases and other outsized equipment - cubic measurement of inside of containers
- Adjustments for partially filled cabinets should be made.

Where exact figures can not be given, an estimate that is as nearly accurate as possible may be substituted. Where this is done the figure should be preceded by "est." It is expected that items 8, 9, and 10 will be estimates.

(See Instructions on reverse)

1. FROM (AGENCY OR ESTABLISHMENT)

2. MAJOR SUBDIVISION

3. MINOR SUBDIVISION

4. NAME OF PERSON WITH WHOM TO CONFER

5. TEL. EXT.

8. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for the head of this agency in matters pertaining to the disposal of records, and that the records described in this list or schedule of _____ pages are proposed for disposal for the reason indicated: ("X" only one)

A ☐ The records have ceased to have sufficient value to warrant further retention.

B ☐ The records will cease to have sufficient value to warrant further retention on the expiration of the period of time indicated or on the occurrence of the event specified.

(Date)

(Signature of Agency Representative)

(Title)

7.
ITEM NO.

8. DESCRIPTION OF ITEM
(WITH INCLUSIVE DATES OR RETENTION PERIODS)

9.
SAMPLE OR
JOB NO.

10.
ACTION TAKEN

Approved For Release 2001/08/30 : CIA-RDP74-00390R000100030003-1

General Instructions: Use Standard Forms 115 and 115a, obtainable from Supply Centers of the Federal Supply Service; General Services Administration, to obtain authority to disposal of records. Submit four copies, all of which should be signed and dated, to the National Archives and Records Service. Indicate the number of pages involved in the disposal request under entry 6. Copy 4 of the standard form will be returned to the agency with notification that Congress has authorized disposal of the items marked "approved."

Specific Instructions:

Entries 1, 2, and 3 should show what agency has custody of the records that are identified on the form, and should contain the name of the department or independent agency, and its major and minor subdivisions.

Entries 4 and 5 should help identify and locate the person to whom inquiries regarding the records should be directed.

Entry 6 should show what kind of authorization is requested. Only one of two kinds of authorizations may be requested on a particular form.

Box A should be marked if immediate disposal is to be made of past accumulations of records, and the completed form thus marked is a list.

Box B should be marked if records that have accumulated or will continue to accumulate are to be disposed of at some definite future time or periodically at stated intervals, or if disposal is to be made of microphotographed records after it has been ascertained that the microfilm copies were made in accordance with the standards prescribed in GSA Regulations 3-IV-105.00; and the completed form thus marked is a schedule.

Entry 7 should contain the numbers of the items of records identified on the form in sequence, i.e. 1, 2, 3, 4, etc.

Entry 8 should show what records are proposed for disposal.

Center headings should indicate what office's records are involved if all records described on the form are not those of the same office or if they are records created by another office or agency.

An identification should be provided of the types of records involved if they are other than textual records, for example, if they are photographic records, sound recordings, or cartographic records.

An itemization and accurate identification should be provided of the series of records that are proposed for disposal. Each series should comprise the largest practical grouping of separately organized and logically related materials that can be treated as a single unit for purposes of disposal. Component parts of a series may be listed separately if numbered consecutively as 1a, 1b, etc., under the general series entry.

A statement should be provided showing when the records were produced or when disposal is to be made of the records, thus:

If Box A under entry 6 was marked, the inclusive dates during which the records were produced should be stated.

If Box B under entry 6 was marked, the period of retention should be stated. The retention period may be expressed in terms of years, months, etc., or in terms of future actions or events. A future action or event that is to determine the retention period must be objective and definite. If disposal of the records is contingent upon their being microfilmed, the retention period should read: "Until ascertained that microphotographic copies have been made in accordance with GSA Regulations 3-IV-105.00 and are adequate substitutes for the paper records."

Entry 9 should show what samples of records were submitted for each item, or with what job number such samples were previously submitted. Samples of types of records other than textual and cartographic records should not be submitted.

Entry 10 should be left blank.

STANDARD FORM 115a
REVISED DECEMBER 1951
PRESCRIBED BY GENERAL
SERVICES ADMINISTRATION

EXHIBIT 2a, APPENDIX A
GSA REG. 9-IV-100.02

Job No. _____ Page _____
of _____ pages

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS—Continuation Sheet

7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN

FEDERAL RECORDS CENTERS

GSA
Region

Area Served

Mailing Address

- | | | |
|---|--|---|
| 2 | New York, Pennsylvania,
New Jersey, and Delaware | General Services Administration
250 Hudson Street
New York 13, New York |
| 3 | District of Columbia, Maryland,
West Virginia, Virginia, Puerto
Rico, and the Virgin Islands | General Services Administration
GSA Regional Office Building
Washington 25, D. C. |
| 4 | North Carolina, South Carolina,
Tennessee, Mississippi, Alabama,
Georgia, and Florida | General Services Administration
50 Whitehall Street, S. W.
Atlanta, Georgia |
| 5 | Kentucky, Illinois, Wisconsin,
Michigan, Indiana, and Ohio | General Services Administration
Room 528, Court House
219 South Clark Street
Chicago 4, Illinois |
| 7 | Texas, Louisiana, Arkansas,
and Oklahoma | General Services Administration
1114 Commerce Street
Dallas 2, Texas |
| 8 | Colorado, Wyoming, Utah, and
New Mexico | General Services Administration
Bldg. 41, Denver Federal Center
Denver, Colorado |
| 9 | California, Arizona, Nevada,
and the Territory of Hawaii | General Services Administration
630 Sansome Street
San Francisco, California |

GSA RECORDS DEPOSITORIES*

- | | | |
|----|---|--|
| 1 | Maine, Vermont, New Hampshire,
Massachusetts, Connecticut, and
Rhode Island | General Services Administration
Post Office & Courthouse
Boston 9, Massachusetts |
| 6 | Missouri, Kansas, Iowa, Nebraska,
North Dakota, South Dakota, and
Minnesota | General Services Administration
Room 1800, Federal Office Building
Kansas City, Missouri |
| 10 | Washington, Oregon, Idaho, Montana,
and the Territory of Alaska | General Services Administration
909 First Avenue
Seattle 4, Washington |

*Transfers limited at present to types of records specified in GSA Circular No. 9,
as amended.

EXHIBIT 4, APPENDIX A
GSA REG. 3-IV-401.02GSA FORM 468
DECEMBER 1951
GENERAL SERVICES
ADMINISTRATIONAGENCY RECORDS CENTER
ANNUAL REPORT

1. REPORT FOR FISCAL YEAR ENDING

2. DEPARTMENT OR AGENCY

3. LOCATION OF RECORDS CENTER (*Street, city, and State*)

INSTRUCTIONS: This form (original only) is to be submitted within 60 days after the close of each fiscal year to the National Archives and Records Service, General Services Administration, Washington 25, D.C., for each Agency Records Center.

4. Volume of records on hand at the beginning of the fiscal year (<i>cubic feet</i>)	9. Average number of personnel employed by the center during the fiscal year
5. Volume of records accessioned during the fiscal year (<i>cubic feet</i>)	10. Average amount of space occupied by the center during the fiscal year (<i>sq. ft.</i>)
6. Volume of records disposed of during the fiscal year (<i>cubic feet</i>)	11. Number of 4 or 5 drawer units of steel filing equipment utilized at the end of the fiscal year
7. Volume of records transferred from the center during the fiscal year (<i>cu. ft.</i>)	12. Number of steel transfer cases (drawers) utilized at the end of the fiscal year
8. Volume of records on hand at the end of the fiscal year (<i>cubic feet</i>)	13. Total number of reference services during the fiscal year*
14. DATE	16. SIGNATURE
15. TITLE OF PERSON SIGNING REPORT.	

NOTE: Non-record material is to be included in the volume totals.

*Reference services comprise (1) each file item furnished on loan or for reproduction or for reference use in the center and (2) each occasion on which information is furnished from the records (orally or written). A file item may be a single document, a folder, a bound volume, etc., depending upon the physical manner in which the records are stored, removed and furnished to the inquirer. If the request is for one document or several documents filed separately, each document constitutes a file item. If the request is for certain folders, each folder constitutes an item, etc.

~~S-E-C-R-E-T~~

AGENCY GENERAL COUNSEL OPINION.

2 OCTOBER 1950

COMPLIANCE WITH PROVISIONS OF LAW PERTAINING TO
FEDERAL RECORDS

- "1. THE CENTRAL INTELLIGENCE AGENCY MUST COMPLY WITH THE RECORDS DISPOSAL ACT, INsofar AS IT DOES NOT CONFLICT WITH THE PROVISIONS OF PUBLIC LAW 253.
2. THE CENTRAL INTELLIGENCE AGENCY SHOULD COMPLY WITH PUBLIC LAWS 152 AND 754 WHENEVER POSSIBLE, EVEN THOUGH EACH SPECIFICALLY EXEMPTS CIA FROM ITS PROVISIONS. HOWEVER, IF SUCH COMPLIANCE WOULD RESULT IN THE UNAUTHORIZED DISCLOSURE OF INTELLIGENCE SOURCES AND METHODS, PUBLIC LAW 253 MUST BE FOLLOWED.
3. THE CENTRAL INTELLIGENCE AGENCY SHOULD COMPLY WITH EXECUTIVE ORDER 9784 WHENEVER POSSIBLE, ALTHOUGH IT DOES NOT REQUIRE DISCLOSURE OF CONFIDENTIAL INFORMATION WHICH WOULD ENDANGER THE NATIONAL INTEREST OR LIVES OF INDIVIDUALS. CONSEQUENTLY, NO RELIANCE UPON PUBLIC LAW 253 SEEMS NECESSARY.

FOIAb5



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Exhibit A

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CENTRAL INTELLIGENCE AGENCY REGULATION

14 July 1951

6. RECORDS MANAGEMENT

A. There is established a Records Management Program for CIA which covers, but is not necessarily restricted to:

- (1) The identification of vital materials and their movement to a repository for safe keeping.
- (2) Development of disposal lists for all file series to provide for their systematic retirement.
- (3) Inventories of all files and filing equipment to determine the volume, types, filing arrangement, record character and retention periods for documents and the quantity, value and effectiveness of use of filing equipment and space occupied by files.
- (4) Standardization of filing systems, filing equipment and procedures for the maintenance of files.
- (5) Records Management surveys to promote efficient operations relating to records.
- (6) Recommendations for labor-saving devices to assist in reducing the cost of preparation and storage of records.
- (7) Training courses for Area Records Officers and Record Analysts.
- (8) Development of microfilming projects for records which lend themselves to the process for the reduction of space required for storage.
- (9) Advice on other matters relating to records, including procedures for the downgrading of security classification of documents.

B. Definitions

(1) Record Material

Records of CIA are defined to include all books, papers, maps, photographs, films, recordings or other documentary material regardless of physical form or characteristics, made or received by any portion of CIA in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriated for preservation by CIA or its legitimate successor as evidence of the organization, functions, policies, personnel, decisions, procedures, financial or legal transactions, operations or other activities or because of the informational value of data contained therein.

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CENTRAL INTELLIGENCE AGENCY REGULATION

14 July 1951

(2) Nonrecord Material

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Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "record" as used in this Regulation. "Records" and "record material" may be used interchangeably.

(3) Vital Material

Vital Materials are those specific items in the possession of CIA which are essential to the Agency on a continuing basis and which, in the event of destruction, would constitute a serious or irreplaceable loss.

C. Responsibilities

- (1) The Advisor for Management will provide policy advice and general guidance.
- (2) The Chief, Administrative Services is responsible for the administration of the Records Management Program and will:
 - (a) Designate offices of record at points of use to contain record copies on matters of primary interest.
 - (b) Establish and operate a records center to provide storage for non-current, semi-active and archival material and a repository for vital material.
 - (c) Authorize the ultimate disposition of CIA records to the National Archives.
 - (d) Designate a CIA Records Officer to formulate, define and review progress of the various program phases.
- (3) Each Office head will designate in writing to the Chief, Administrative Services an Area Records Officer, preferably grade GS-11 or higher, who will have the responsibility for maintaining an internal records program.
- (4) The CIA Records Officer will serve as the CIA Archivist and as the CIA Liaison to the National Archives, General Services Administration, and other agencies on records problems.
- (5) Storage maintenance and indexing of all vital material received at the repository will be the responsibility of the chief of the field installation where the repository is located.

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Deputy Director / Effective: 14 July 1951
(Administration) Rescind : Pages 1-2 of 40-6,
1 April 1951

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